

Business Guide to Environmental Permits and Approvals

June 1998

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The Business Guide to Environmental Permits is not intended nor should it be interpreted to be a regulation as defined under the Maryland Administrative Procedures Act. It is a non-binding, informational document which sets forth the purpose, legal authority, requirements, governmental approvals, application process and other information which is useful in understanding the environmental responsible for issuing under the Maryland permits and approvals which MDE is Environment Article. The Guide is not intended to confer any legal rights on any person under Maryland law.

INTRODUCTION

Purpose and Organization

Following this introduction is information on pollution prevention services offered by MDE, and on pollution prevention options that can save businesses money and avoid the need for permits. After the pollution prevention section, you'll find an organizational chart for the Department.

After the MDE organizational chart, the main part of this guidebook begins. It is divided into three sections, corresponding to the three main permitting administrations of MDE: the Air and Radiation Management Administration, the Waste Management Administration, and the Water Management Administration. The Guide is designed to provide useful information about applying for Maryland environmental permits and about each different permitting program operated by the Maryland Department of the Environment (MDE). The Department publishes the Guide as part of its commitment to supporting environmentally-responsible business development and to providing excellent service to its permitting customers. Suggestions for making the Guide more useful for permitting customers are welcomed by the Environmental Permits Service Center at (410) 537-EPSC.

This introduction contains important information for those applying for MDE permits, including a list of services provided by the Environmental Permits Service Center, descriptions of other services and guarantees available to permit applicants, and highlights of information available at MDE's web site. The introduction also explains how to use this manual.

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for, the administration, followed by fact sheets on each type of permit, license, or certification issued by that administration.

The Environmental Permits Service Center

Established in 1994, the Environmental Permits Service Center is a non-regulatory arm of the MDE designed to provide assistance to permitting customers. Here are some of the many services the center provides:

- Answers questions in person or by phone about environmental permitting.
- Operates an Internet-accessible database that tracks most major MDE permit applications.
- Coordinates services for customers who need multiple MDE permits.
- Distributes fact sheets on topics such as general permits and on steps businesses can take to make permitting easier.
- Provides pollution prevention information, which explains how businesses can save money and reduce environmental liabilities by changing their operations to avoid creating pollution in the first place. More information about pollution prevention is on page 8.
- Assists permit applicants who have questions or concerns about the services they are receiving from MDE.
- Collects feedback and suggestions from permitting customers and uses this information to improve MDE's permitting services.

The Permits Service Center also operates MDE's Small Business Assistance Program, which helps small businesses understand and comply with environmental programs. Information packets and assistance are available for various business activities including drycleaning and auto body painting and repair.

The EPSC welcomes all calls, questions and suggestions. It can be reached at (410) 537-3772 or (800) 633-6101, extension 3772.

Assistance for Permit Applicants

The Department offers several types of assistance to all applicants for permits, licences and certifications. The following services are available on request from each permitting program:

- Pre-application consultations with prospective applicants to address technical issues.
- Receipts documenting application submission.
- Information on application status.
- Lists of common application deficiencies that can slow the permit application review process.
- Lists of information and materials required with applications, for programs that require materials to be submitted in addition to the application form.

The Department contact people for each program can arrange to provide these services, or applicants can contact the Environmental Permits Service Center at (410) 537-3772 for help.

MDE's Predictable Permitting Services Program

MDE issues about 83% of its permits, licences, and approvals in 30 days or less, and continually looks for ways to improve permit application review processes without compromising environmental protection. As part of this ongoing effort, MDE has established the Predictable Permitting Services Program. This program affects certain major permits, which typically require more review time. The new Predictable Permitting Services Program will help businesses plan around the time required for permitting.

Applicants for these permits can obtain from MDE a guaranteed time by which MDE will issue a tentative determination on their application. If the deadline is missed, MDE will refund all or part of any permit application fee paid, barring delays beyond the Department's control. (Please note that a tentative determination is not a permit, and that the time between issuance of a tentative determination and issuance of a final permit generally depends on the level of public interest in the permit application.)

The Department hopes this program highlights the fact that customers can count on reliable, high-quality service when applying for MDE permits. More information is available from the contact people in each permitting program, or from the Environmental Permits Service Center at (410) 537-3772.

Appealing MDE Permit Decisions

Every MDE permitting and licensing program allows appeals of permit denials, although their appeals processes vary. The contact people listed for each program can provide information about how to appeal a permit denial.

Maryland Department of the Environment's Web Site

MDE has established a web site providing information and services. For more information, visit the site at <http://www.mde.state.md.us>. It is continually improved and updated and includes this guidebook, permit application forms, information on permit application status, and other useful information for permit applicants.

Final Notes

MDE hopes this manual is helpful to our permitting customers and to others interested in environmental programs. Additional information is available from the Departmental contacts listed on the following pages under each program, or from the Environmental Permits Service Center at (410) 537-3772.

Pollution Prevention: A Better Approach to Environmental Protection and Compliance

What is Pollution Prevention?

Pollution prevention is an alternative to pollution control. Pollution prevention, also called source reduction, means avoiding the creation of pollution in the first place. Facilities prevent pollution by using resources more efficiently, by substituting less-harmful substances for hazardous materials, and by other changes to their operations.

Pollution prevention has four major benefits for businesses:

- Save money by reducing the need for expensive end-of-pipe pollution controls
- Save money through improved efficiency and reduced waste
- Reduce environmental liabilities
- Reduce health risks to your workers and to the community

Even small businesses and facilities can reap significant benefits from pollution prevention measures. For example, a Maryland company recently used pollution prevention techniques to significantly reduce hazardous-waste disposal costs from their metal-plating operations. After assessing the environmental impact and operational costs of using hexavalent chromium in their operations, the company decided to stop using chromium and substituted a phosphate bath. This change saved the company several thousand dollars per month in hazardous-waste disposal costs.

Where Can Businesses Get Help Exploring Pollution Prevention Opportunities?

MDE helps businesses explore pollution prevention options in many ways. Each MDE administration has staff who are trained in pollution prevention. Examples of specific pollution prevention activities include the following:

- The Waste Management Administration conducts pollution prevention assessments at sites where hazardous waste is generated to help identify ways to eliminate or reduce sources of such waste.
- Inspectors from the Water Management Administration routinely provide pollution prevention information to facilities. When pollution prevention opportunities are identified, follow-up with that facility is performed, either by sending written information or by having an engineer visit to further explore pollution prevention alternatives.
- MDE is working with the Maryland Consulting Engineers Council to develop a directory of firms providing pollution prevention services.

MDE's Environmental Permits Service Center also helps businesses explore pollution prevention opportunities. It assists businesses by providing information, distributing publications, assisting with special projects, and providing contacts and resources. The Center can be reached at (410) 537-3772.

A great deal of pollution prevention information is also available via the Internet. Sites that may be useful include:

Waste Reduction Resource Center -
www.p2pays.org/wrrc/index.htm

Tennessee Valley Authority, Industrial Waste Reduction Site -
www.tva.gov/orgs/iwr/iwrhome.htm

EPA Pollution Prevention Assistance, Enviro\$en\$e -
<http://es.epa.gov>

How to Use This Guidebook

The following pages contain fact sheets on each type of permit, license, and certification issued by the Maryland Department of the Environment. Each fact sheet answers the following questions:

What purpose does this permitting program serve?

Under "purpose" each fact sheet offers a brief explanation of the reasons why that type of permit is required.

What is MDE's legal authority for requiring this permit?

Under "authority" you'll find citation(s) of the state or federal statute directing MDE to require that type of permit.

What is required of applicants in order to get this permit?

Under "requirements" each section summarizes what applicants must do to get the permit.

Is any type of additional approval needed for this permit?

Some permits also require approvals from other authorities, such as the local government. If additional approvals are required, that information appears under "local approvals" or "other approvals".

What process must be followed to get this permit?

Under "application process" you'll find a list of the steps involved in applying for the permit.

How long will it take to get this permit?

Under "standard turnaround time" each fact sheet shows the standard permit application turnaround time for that type of permit. These represent the time applicants should plan to allow for MDE to review a complete permit application and issue or deny the permit, barring unusual delays caused by factors beyond MDE's control. A small number (up to ten percent) of permit applications will take longer to process than these times suggest due to unusual complications or extensive public interest. The contact people listed for each type of permit can provide information about steps applicants can take to avoid unusual delays and

speed the permitting process. The standard permit application turnaround times will be evaluated each year and updated if necessary. The updated standard turnaround time will be published in the January edition of the Department's monthly newsletter, the MDEnvironment.

How long will this permit be valid?

Under "term of permit" each sheet shows the time, usually several years, for which the permit will be valid.

What fees will be required to get this permit?

Under "fees" each sheet lists the fees, if any, that applicants must pay to get that type of permit.

Who can provide more information about applying for this type of permit?

Under "Department Contact" you'll find the name and phone number of someone at MDE who can provide application forms, answer questions, and provide more information about how to get the permit you need.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

The mission of the Air and Radiation Management Administration (ARMA) is to improve and maintain air quality and control sources of radiation to protect the health and welfare of the people and the environment of Maryland while providing for enhanced community service and economic development.

PROGRAMS ADMINISTERED BY ARMA ARE:

- Air Quality Planning
- Air Monitoring and Information Systems
- Air Quality Permits
- Air Quality Compliance Program
- Asbestos and Industrial Hygiene Program
- Mobile Sources Control
- Radiological Health

FUNCTIONS:

Operate a statewide network of air quality monitors that continuously measure air quality.

Provide information to the public about the quality of the air and the nature and extent of both regional and local air pollution problems.

Assist businesses in understanding and meeting requirements of state and federal air quality and radiological health laws and regulations.

Investigate and resolve complaints about air pollution and radiation, and make inspections of equipment and activities that discharge air emissions or radiation.

Issue permits and licenses required for medical,

industrial, commercial and institutional radiation uses or air pollution sources, ensuring that these activities do not create air pollution or unauthorized exposure to radiation. Provide opportunities for the public to understand and comment on permit activities.

Reduce air pollution from motor vehicles in the state by establishing and enforcing standards for motor vehicle fuels and emissions.

Certify and approve training courses for asbestos workers and supervisors, and provide technical support on industrial hygiene, indoor air quality and asbestos management to state agencies, school systems, and county health departments.

Develop coordinated plans, programs and standards to prevent and reduce air pollution and control sources of radiation to protect public health while minimizing costs to the public and Maryland business.

1.01 AIR QUALITY GENERAL PERMITS TO CONSTRUCT

PURPOSE

General permits enable businesses to acquire environmentally-sound permits fast. The air quality general permit to construct increases the efficiency of the Department's permitting process through the issuance of generic permits to categories of businesses that are generally very similar in operation, equipment installation, and emissions characteristics. General permits with standardized permit conditions have been established for businesses with:

- *Perchloroethylene dry cleaning equipment*
- *Charbroilers*
- *Pit barbecues*
- *Small fuel burning equipment*
- *Small stationary gasoline storage tanks*
- *Groundwater air stripper/soil vapor extraction systems*

AUTHORITY

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.

REQUIREMENTS

To obtain coverage under the general permit, all applicability requirements listed in the air quality general permit to construct package must be met. Each package is different based on the type of business activity covered.

APPLICATION PROCESS

1) Complete a "request for coverage" form. To request a general permit to construct package call (410) 537-3230.

2) Mail the completed form and payment to:

MDE/ARMA
P.O. Box 2037
Baltimore MD 21203-2037

3) Coverage under the general permit becomes effective on the date the Department receives the completed request for coverage form and fee. The Department mails a letter acknowledging the receipt of the request and fee payment.

STANDARD TURNAROUND TIME

30 days

TERM OF PERMIT

This is a one-time permit required prior to construction and/or installation.

FEE

\$200 per charbroiler or pit barbecue

\$200 per small stationary gasoline storage tank farm

\$250 per groundwater air stripper/soil vapor extraction system

\$500 per perchloroethylene dry cleaning equipment

\$500 per small fuel burning equipment

DEPARTMENT CONTACT

John Scherer

Air Quality Permits Program

(410) 537-3230

1.02 AIR QUALITY PERMIT TO CONSTRUCT

PURPOSE

Air quality standards have been adopted to protect public health, vegetation, and forests from activities that discharge emissions to the outside air. Requiring a business to secure an air quality permit to construct ensures that any new, modified, replaced or relocated source of air pollution complies with all air quality requirements. Any operation/equipment that discharges emissions to the outside air needs an air quality permit to construct. Examples of such operations are:

- *Coating and painting operations*

- *Asphalt plants*
- *Incinerators*
- *Quarry operations*
- *Paint spray booths*
- *Chemical-processing equipment*
- *Fuel-burning equipment*
- *Printing presses*

Specific sources that do not need an air quality permit are listed in COMAR 26.11.02.10.

AUTHORITY

FEDERAL: The Clean Air Act, Section 110 and Title V, 42 U.S.C. 7401 et seq.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.01 through 26.11.02.21.

REQUIREMENTS

PRE-APPROVAL: Before an air pollution source is constructed or modified, a permit must be obtained from the Air and Radiation Management Administration.

POST-APPROVAL: Periodic emissions tests and/or reports may be required of some sources, depending on the nature of the operation and its emissions.

LOCAL APPROVALS

Applicants are required to demonstrate compliance with local zoning for permits subject to public participation per the Environment Article section 2-404.

APPLICATION PROCESS

For applications that are not subject to public review:

1) The Department reviews the permit application for completeness. The applicant is notified of any deficiencies.

2) The Department invoices the applicant for the appropriate fee.

3) The Department examines the application to determine compliance with all applicable air pollution control regulations.

4) The Department makes a final determination and either issues or denies the permit to construct.

For applications that are subject to public review (see COMAR 26.11.02.11 for a list of sources that are required to undergo public review):

1) The Department receives the permit application and reviews it for completeness. The applicant is notified of any deficiencies.

2) The Department invoices the applicant for the appropriate fee.

3) The Department prepares a notice of application for publication in the local newspaper. This notice either provides an opportunity to request an informational meeting or announces the date, time and location of the scheduled meeting.

4) The Department reviews the application to determine compliance with all applicable air pollution control regulations and reviews any information presented at the informational meeting, if held.

5) The Department prepares a tentative determination and draft permit, which are available for review at the local library. A notice is prepared for publication in the local newspaper. This notice either provides an opportunity to request a public hearing or announces the date, time, and location of the scheduled public hearing.

6) If neither a request for a public hearing nor comments opposing the tentative determination are received by the Department, the tentative determination becomes final and the permit is issued.

7) If a public hearing is held:

a) The Department prepares a final determination on the application after comments are received and addressed.

b) A notice of final determination is published with the opportunity to request a contested case hearing. If no requests are filed, the permit is issued.

c) If a request for a contested case hearing is received and the Department approves the request, the hearing will be held before an administrative law judge from the Office of Administrative Hearings. If the Department denies the request, the permit is issued.

d) The administrative law judge makes a recommendation to the Secretary of the Department, who then makes a final decision.

STANDARD TURNAROUND TIME

3 months for applications not subject to public review.

6 months for applications subject to public review and generate little public interest.

11 months for applications subject to public review and generate extensive public interest.

TERM OF PERMIT

This is a one-time permit required prior to construction and/or installation. You may need to obtain a new permit to construct if you make changes to the equipment, process, material or emissions, or fail to initiate construction within 18 months of the permit issuance date.

FEE

Current fees range from \$200 to \$20,200 as specified in COMAR 26.11.02.17 - 18. The Department will notify the applicant of the appropriate fee upon receiving the completed application.

ADDITIONAL INFORMATION

- 1) A pre-submittal meeting with the Department is recommended for larger businesses in order to expedite the review process.
- 2) The most frequent causes of delay in processing permit applications are failure to pay fees and to supply complete permit applications: for example, many applications lack supporting documentation for the air toxics compliance demonstration.
- 3) Technical assistance documents are available to explain emission control requirements for some air pollution source categories.
- 4) In addition to the permit to construct, the company may need one or more of the following permits:

- Air quality NSR approval (see section 1.03);
- Air quality PSD approval (see section 1.04);
- Air quality state permit to operate (see section 1.05);
- Part 70 permit to operate (see section 1.06);
- State refuse disposal permit (see section 2.01);
- Scrap tire management license (see section 2.05);
- Oil operations permits (see sections 2.06, 2.07 and 2.09);
- Hazardous waste permits (see sections 2.13 and 2.14)
- Industrial water discharge permits (see sections 3.01, 3.02 and 3.04);
- Wetland permits (see sections 3.16 through 3.18);
- Erosion/sediment control plan approval (see section 3.19); or
- General permit for construction activity (see section 3.21).

DEPARTMENT CONTACTS

Justin Hsu or William Paul
Air Quality Permits Program

1.03 NEW SOURCE REVIEW APPROVAL

PURPOSE

Portions of Maryland have been designated as ozone nonattainment areas which means that ozone levels in the ambient air occasionally exceed federal air quality standards. Air is considered unhealthful to breathe when federal air quality standards are exceeded. Therefore, any new major stationary source that will discharge significant amounts of volatile organic compounds (VOCs) or oxides of nitrogen (NOx) must obtain a New Source Review (NSR) approval from the Air and Radiation Management Administration prior to construction. The primary purpose for obtaining this approval is to ensure that new major sources will not worsen existing ozone levels or impede the State's efforts to achieve compliance with the federal ozone standard.

NSR approval is needed for:

A. New or modified air pollution sources that have the potential to emit the following levels of VOCs and are located in the areas listed below:

- 25 tons per year or more: Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, or Howard Counties.
- 50 tons per year or more for all other counties in Maryland.

B. New or modified air pollution sources that have the potential to emit the following levels of NOx and are located in the areas listed below:

- 25 tons per year or more: Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, or Howard Counties.
- 50 tons per year or more: Calvert, Charles, Frederick, Montgomery, or Prince George's Counties.
- 100 tons per year or more for all other counties in Maryland.

AUTHORITY

FEDERAL: Clean Air Act, Subchapter I, Part D, 42 USC sec. 7501 et seq.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.09 and 12; COMAR 26.11.17.

REQUIREMENTS

PRE-APPROVAL: The NSR application should be submitted with a permit to construct application and must include:

- 1) Emission controls that meet the Lowest Achievable Emission Rate (LAER).
- 2) Emission offsets which provide a net decrease in VOC and/or NO_x emissions in accordance with the various ratios listed under COMAR 26.11.17 for different geographical areas.
- 3) Evidence that all major sources owned by the applicant in Maryland comply with all state and federal air pollution regulations.

POST-APPROVAL: Federally-enforceable approval conditions require the business to demonstrate, through stack emission tests, compliance with the LAER requirements and emission limits.

LOCAL APPROVALS

Applicants should check with county zoning authorities to see whether they need zoning approval.

OTHER APPROVALS

A permit to construct is required in addition to the NSR approval prior to construction. It is preferred that the applicant submit an application for a permit to construct when submitting a request for NSR approval.

APPLICATION PROCESS

- 1) The Department receives the NSR approval application and reviews it for completeness. The applicant is notified of any deficiencies.
- 2) The Department invoices the applicant for the application fee.
- 3) The Department examines the application to determine compliance with all applicable federal and state regulations and makes a preliminary determination.
- 4) The Department publishes its preliminary determination and solicits comments from EPA, neighboring states, and the public.
- 5) The Department officially responds to all comments received and makes a final determination to issue or deny the approval.

STANDARD TURNAROUND TIME

10 months

TERM OF APPROVAL

This is a one-time approval.

FEE

\$20,200 which is assigned to the permit to construct application for the project for which NSR approval is sought.

DEPARTMENT CONTACTS

Justin Hsu or William Paul
Air Quality Permits Program
(410) 537-3846 or (410) 537-3230

1.04 PREVENTION OF SIGNIFICANT DETERIORATION APPROVAL

PURPOSE

To prevent significant deterioration of ambient air quality, the Prevention of Significant Deterioration (PSD) approval seeks to limit the amount of air pollutants released by a new or modified facility proposing to locate in an area that meets national ambient air quality standards (NAAQS). NAAQS have been established for the following air pollutants: particulate matter (PM10), sulfur oxides, carbon monoxide, ozone, nitrogen dioxide, and lead. With the exception of ozone levels in portions of the state, Maryland does not have any other significant air pollution problems.

The PSD approval is needed for:

A. New air pollution sources that have the potential to emit at least 100 tons per year of any regulated pollutant, if the proposed source belongs to one of 26 named PSD source categories listed below (see COMAR 26.11.01.01B(37)):

- Fossil fuel-fired steam electric plants of more than 250 million btu/hr heat input
- Municipal incinerators capable of handling more than 250 tons of refuse per day
- Fossil fuel boilers (or combination of them) totaling more than 250 million btu/hr heat input
- Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
- Coal cleaning plants
- Kraft pulp mills
- Portland cement plants
- Primary zinc smelters

- Primary aluminum ore reduction plants
- Iron and steel mill plants
- Primary copper smelters
- Hydrofluoric, sulfuric, and nitric acid plants
- Petroleum refineries
- Lime plants
- Phosphate rock processing plants
- Coke oven batteries
- Sulphur recovery plants
- Primary lead smelters
- Carbon black plants (furnace process)
- Fuel conversion plants
- Secondary metal production plants
- Sintering plants
- Chemical process plants
- Taconite ore processing plants
- Glass fiber processing plants
- Charcoal production plants

B. New air pollution sources that have the potential to emit at least 250 tons per year of a regulated pollutant from unlisted source categories.

C. Major modifications to an existing major facility which will result in a net emissions increase above the following levels:

POLLUTANT TONS/YEAR

carbon monoxide 100

nitrogen oxide 40

sulfur dioxide 40

TSP/PM-10 20/15

volatile organic compounds (VOC) 40

lead 0.6

AUTHORITY

FEDERAL: Clean Air Act, Part C, 42 USC sec. 7470 et seq., 40 CFR Part 52.21 1994 Edition.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.09 and 12; COMAR 26.11.06.14.

REQUIREMENTS

PRE-APPROVAL: The PSD application includes the following:

- 1) One year of preconstruction air quality monitoring, including meteorological data for the relevant area, if suitable data are not currently available;
- 2) Emission control plans that include the best available control technology;
- 3) Ambient impact analysis based on air quality dispersion modeling;
- 4) Additional impact analyses on nearby federally-designated Class I areas. This assessment includes possible adverse effects on soil, vegetation, or visibility. Class I areas in this region include Dolly Sods and Otter Creek Wildernesses in West Virginia, Shenandoah National Park in Virginia, and Brigantine National Wildlife Refuge in New Jersey.

POST-APPROVAL: Continued approval depends on meeting federally-enforceable emission limits and the best available control technology requirements.

LOCAL APPROVALS

Applicants should check with county zoning authorities to see whether they need zoning approval.

OTHER APPROVALS

A permit to construct is required in addition to the PSD approval prior to construction. It is preferred that the applicant submit an application for a permit to construct when submitting a request for PSD approval. For any source having the potential to adversely impact a federally-protected Class I area, the Department will notify and involve the Federal Land Manager who is the designated authority for protecting these areas.

APPLICATION PROCESS

Applicants for PSD approval are strongly urged to solicit input from the Department prior to beginning the application process.

- 1) The Department receives the application and reviews it for completeness. The applicant is notified of any deficiencies.
- 2) The Department invoices the applicant for the application fee.
- 3) The Department examines the application to determine compliance with all applicable federal and state regulations and makes a preliminary determination.
- 4) The Department publishes its preliminary determination and solicits comments from EPA, neighboring states, and the public.
- 5) The Department officially responds to all comments received and makes a final determination to issue or deny the approval.

STANDARD TURNAROUND TIME

14 months

TERM OF APPROVAL

This is a one-time approval.

FEE

\$20,200 which is assigned to the permit to construct application for the project for which the PSD approval is sought.

DEPARTMENT CONTACTS

William Paul or Justin Hsu
Air Quality Permits Program
(410) 537-3846 or (410) 537-3230

1.05 AIR QUALITY STATE PERMIT TO OPERATE

PURPOSE

Sources of air pollution with the potential to significantly affect air quality must obtain a permit to operate. The Department may impose reasonable terms and conditions on the permit to ensure compliance and to protect public health.

Sources required to obtain state permits to operate are listed in COMAR 26.11.02.13. A permit to operate is different than a permit to construct because the permit to operate includes operating conditions.

The following are examples of air pollution sources that will generally require state permits to operate:

- Incinerators
- Sintering machines
- Scarfing machines
- Metal reclamation furnaces
- Lime kilns
- Rendering cookers
- Crushing equipment
- Distillation equipment
- Gypsum calcining kettles

- VOC storage tanks
- Galvanizing operations
- Chemical reclamation process
- Glass melting furnaces
- Large boilers
- Grain elevators and terminals
- Inorganic pigment chemical process
- Portland cement clinker coolers
- Asphalt batching plants
- Coal tar or petroleum pitch
- Metallurgical furnaces
- Impregnating operations
- Cement kilns
- By-product recovery furnaces
- Wood digesters
- Through-circulation dryers
- Chemical reactors
- Ball mills & roller mills
- Web printing lines
- Spray dryers
- Frit smelters
- Pulverized material separators
- Benzene storage tanks

AUTHORITY

FEDERAL: Clean Air Act, sec. 110; 42 USC sec. 7410.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.

APPLICATION PROCESS

1) The Department invoices the applicant for the appropriate fee and provides a blank application form.

2) The Department receives the permit application and reviews it for completeness. The applicant is notified of any deficiencies.

3) The Department determines the appropriate operational limits, work practices, monitoring, testing, record-keeping, and reporting that will be used to demonstrate compliance with the applicable air pollution control regulations and requests comments from the applicant on the permit conditions.

4) The Department makes a final determination, and issues the state permit to operate.

For permit renewals:

1) The company reapplies at least 60 days before the current permit expires.

2) The Department reviews the application and inspects the company to determine compliance with all applicable operating conditions required by permits to construct or orders, and all applicable state and federal air pollution control regulations.

3) The Department reissues the state permit to operate which may contain additional or revised conditions that enable the Department to ensure the company is operating in compliance with all applicable requirements of the Clean Air Act and state air pollution laws.

STANDARD TURNAROUND TIME

90 days

TERM OF PERMIT

Maximum of five years

FEE

Sources requiring a state permit to operate pay an annual fee consisting of a base fee of \$200, plus an emission-based fee for each ton of emissions of a regulated pollutant excluding carbon monoxide. A maximum of 4,000 tons of each regulated

pollutant is used for fee calculation. The emissions based fee is calculated by multiplying the total weight of annual emissions, in tons, of regulated pollutants times a dollar amount as follows:

From January 1, 1998 to December 31, 1998: \$32.65 per ton with a maximum of \$261,206 per facility.

After January 1, 1999: The \$32.65 per ton figure is adjusted according to the consumer price index.

ADDITIONAL INFORMATION

Generally, temporary operating conditions are placed in a permit to construct, which allow the company to initiate operation for the purpose of conducting emission tests and stabilizing the operation. The Department will issue a final state permit to operate when satisfied that the operations comply with all applicable air quality requirements.

DEPARTMENT CONTACTS

Justin Hsu or William Paul
Air Quality Permits Program
(410) 537-3846 or 537-3230

1.06 PART 70 (TITLE V) OPERATING PERMIT

PURPOSE

Title V of the 1990 Clean Air Act (CAA) introduced an operating permit program whose purpose is to combine, into a single document, all the State and federal air quality requirements applicable to a company. Title V does not impose new substantive requirements above and beyond the State requirements.

Companies subject to Title V operating permits include the following:

A. Facilities subject to acid rain requirements under Title IV of the CAA.

B. Facilities (major sources) with a potential to emit:

- 100 tons per year or more of any regulated pollutant; or
- 10 tons per year or more of a single hazardous air pollutant (HAP) or 25 tons per year of any combination of HAPs; or
- More than any applicable nonattainment major source threshold specified in COMAR 26.11.02.01.C.

C. Facilities subject to CAA §111 (federal New Source Performance Standards) or §112 (HAPs). At this time, facilities that do not fall in these categories under the major source definition listed above are deferred from Part 70 requirements.

AUTHORITY

FEDERAL: Clean Air Act, Title V (42 USC § 7401et seq) ; 40 CFR Part 70.

STATE: Environment Article, Title 2, Annotated Code of Maryland;
COMAR 26.11.02 and .03.

REQUIREMENTS

PRE-APPROVAL: In addition to describing and quantifying pollution sources, a complete application must identify all federally-enforceable requirements. After the Department deems an application complete, the Department will issue a draft permit, which is then subject to review by the public, affected states, and EPA (see "Other Approvals" below).

POST-APPROVAL: Companies must annually submit a certified emission report and certification of compliance.

OTHER APPROVALS

Neighboring states and the federal EPA have the opportunity to review draft permits. The EPA also has the authority to object to a Title V operating permit. A citizen may also petition the EPA to make an objection.

APPLICATION PROCESS

- 1) Facilities subject to Title V existing as of August 1996 were required to submit a Title V application by August 2, 1997.
- 2) New facilities (after August 1996) that are subject to Title V must submit a Title V application within 12 months from date of initial operation.
- 3) Within 60 days of receipt of an application, the Department makes a completeness determination. Once a company's application is deemed administratively complete, it is shielded from any enforcement action for failure to have a Title V operating permit. This "application shield" does not exempt the facility from complying with any applicable federal or state requirements.
- 4) If the Department, in the course of reviewing the complete permit application, determines that additional information is necessary to take final action on the application, the applicant must respond to the Department's written request in order to maintain the application shield.

STANDARD TURNAROUND TIME

36 months for new permits

18 months for renewals and modifications

TERM OF PERMIT

Maximum of five years

FEE

Companies subject to Title V operating permits are required to pay an annual fee consisting of \$200 plus an emission-based fee for each ton of regulated air pollutants, excluding carbon monoxide, limited to a maximum of 4,000 tons per year of any single pollutant.

From January 1, 1998 to December 31, 1998: \$32.65 per ton with a maximum of \$254,240 per facility.

After January 1, 1999: The \$32.65 per ton fee will be adjusted based on the consumer price index.

ADDITIONAL INFORMATION

1) Because of recently proposed changes to the federal regulations, portions of the State program may be changed in 1998, especially those aspects of the program related to modifications of permitted facilities.

2) A Title V facility that is also subject to state permit to operate requirements would not be covered under two separate permits. The facility's Title V operating permit would incorporate state-specific requirements and conditions into a "State-Only" section of the permit.

DEPARTMENT CONTACTS

Karen Irons or Dave Mummert
Air Quality Permits Program
(410) 537-3206

1.07 ASBESTOS CONTRACTOR LICENSE

PURPOSE

The purpose of this license is to minimize the risk of asbestos exposure to workers and to the public. Businesses, contractors and others engaged in any activities involving the disturbance of friable asbestos must apply for this license. Regulated companies are routinely inspected to ensure compliance with federal, state, and local regulations.

AUTHORITY

FEDERAL: Clean Air Act, sections 112, 42 USC sec. 7412, National Emissions Standards for Hazardous Air Pollutants (NESHAPS); Asbestos NESHAP Revision, 40 CFR Part 61, Subpart M, dated November 20, 1990.

STATE: Environment Article, Title 6, Subtitle 4; COMAR 26.11.21, Control of Asbestos, as amended through July 16, 1990.

REQUIREMENTS

PRE-APPROVAL: An applicant must submit a completed license application including documentation of approved current asbestos handling training for workers and supervisors. The application must describe work practices and demonstrate that the applicant has an understanding of asbestos regulations.

APPLICATION PROCESS

- 1) The completed application form, with the proper fee, is submitted to the Department. Receipt of the application will be acknowledged by the Department within 15 working days.
- 2) The application is reviewed for completeness and accuracy. The Department will notify the applicant of any deficiencies.
- 3) The Department will issue or deny the permit no later than 60 days after receipt of the completed application.

STANDARD TURNAROUND TIME

60 days

TERM OF LICENSE

Must be renewed annually.

Workers and supervisors must be medically monitored and they must complete annual refresher courses to continue working in an environment which exposes them to asbestos.

FEE

Fees are listed below and are payable by certified check or money order to the MDE/Clean Air Fund. There are no fees for public agencies. The annual fee for each contractor is based on the number of employees engaged in asbestos projects.

<u>Number of Employees</u>	<u>Annual License Fee</u>
2 or less	\$ 75
3 to 5	\$ 300
6 or more	\$ 450

DEPARTMENT CONTACT

John McQuade
Division of Asbestos Licensing and Enforcement
(410) 537-3200

1.08 ASBESTOS TRAINING PROVIDER APPROVAL

PURPOSE

The purpose of these approval procedures is to ensure that the persons requiring asbestos training receive training that meets certain standards. To become a Maryland approved training provider, you must apply for approval. The Department approved five initial training courses: worker, supervisor, inspector, management planner, and project designer; and five review courses may also be approved by the Department.

AUTHORITY

FEDERAL: Asbestos Hazard Emergency Response Act (10/22/96) which contained several provisions, one of which is TITLE II of the Toxic Substances Act (TSCA) 15 U.S.C. sections 2641 through 2654. Section 206 of Title II, 15 U.S.C. section 2646 required the EPA to issue by April of 1987, a final model accreditation plan (MAP) for those persons who inspect for asbestos, develop management plans, and conduct or design response actions. States were required to develop their accreditation plan 180 days after their next legislative session (subsequent to April 30, 1987). The MAP was revised in February 1994 and extended provisions of the MAP to certain activities in public and commercial buildings.

STATE: Environment Article §§6-406 and 6-417. COMAR 26.11.23: School Asbestos Accreditation and Approval of Training Courses published as final regulations 9/16/91. These are currently under revision to meet the requirements of the revised MAP. Until these revisions are finalized and the EPA approves our MAP, we are not able to accept any new applications for asbestos training courses except for the Operations & Maintenance (O&M) courses that are covered under COMAR 26.11.21.

REQUIREMENTS

INTERIM APPROVAL: A training provider must complete an application for each training course and pay the applicable fee for each course. The training provider must provide a copy of the course materials, instructors' resumes, a detailed course outline, and demonstrate that the training provider is able to provide training that meets the requirements of the regulations. When hands-on training is a requirement

for a training course, the training provider must provide extensive detail on how this is to be accomplished.

FINAL APPROVAL: The course will be granted final approval after a successful on-site audit has been completed by the Department.

APPLICATION PROCESS

- 1) A completed application with the required fee is submitted. The Department acknowledges receipt of the application within 10 working days.
- 2) The application is reviewed for completeness and accuracy. The training provider is notified of any deficiencies.
- 3) The course approval will be issued within 90 days after the application is complete and applicable fees are paid.

STANDARD TURNAROUND TIME

3 months

An application is not processed until the applicable fee has been paid. A complete and accurate application speeds up the process.

TERM OF APPROVAL

Must be renewed annually

FEE

The fees listed below are payable by cashier's check, certified check, or money order to the Maryland Clean Air Fund. Public schools systems, Maryland School for the Deaf, Department of Health and Mental Hygiene schools, Department of Juvenile Justice schools, and Maryland Department of the Environment do not pay any fees. Fees are neither refundable nor pro-rated.

Initial Course Application \$ 300

Review Course Application \$ 100

Renewal Application Fee for Initial Course \$ 150

Renewal Application Fee for Review Course \$ 50

O & M Course \$ 0

DEPARTMENT CONTACT

Mardel Knight

Asbestos Accreditation & School Assistance Division

(410) 537-3801

1.09 INCINERATOR OPERATOR CERTIFICATION AND TRAINING COURSE APPROVAL

PURPOSE

To ensure safety and protect the environment, all incinerator operators are required to be properly trained and certified prior to the operation of any incinerator.

Incinerator operators must receive certification from a training course provider approved by the Department.

AUTHORITY

STATE: Environment Article, Section 2-406; COMAR 26.11.08.09.

REQUIREMENTS

There are four types of incinerator operator certifications:

1) Special Medical Waste and Industrial Waste Incinerator Certification: This certification requires the completion of a generalized course which has a three 8-hour day initial training course with an annual 8 hour recertification training. Currently, there are only two approved training entities for this certification:

General Physics Corporation
Mac Hunter
(410) 290-2300

University of Maryland at Baltimore
Pat Dämm
(410) 706-7845

2) Sewage Sludge Incinerator Certification: There is a three 8-hour day initial training requirement with an annual 8 hour recertification training which is usually conducted at the incinerator site.

3) Municipal Waste Combustor Certification: There is a five 8-hour day initial training requirement with an annual 8 hour recertification training which is usually conducted at the incinerator site.

4) Hazardous Waste Incinerator Certification: There is a five 8-hour day initial training requirement with an annual 8 hour recertification training which is usually conducted at the incinerator site.

Training course approval:

For certifications 2, 3, and 4 above, the approved training course may be given by either the company or a consultant.

APPLICATION PROCESS

For incinerator operator certification:

- 1) Attend an approved training course.
- 2) Pass an examination administered by the training provider with at least 70%.
- 3) The incinerator operator will receive a certificate from either the Department or the training provider.

For training course approval:

- 1) Submit the training course package.
- 2) The Department will review the proposed training course and make recommendations.
- 3) Once the recommendations have been included, the Department will issue a "letter of approval".

STANDARD TURNAROUND TIME

30 days for incinerator operator certification

60 days for training course approval

TERM OF CERTIFICATION

Incinerator operator certification: must renew annually

Training course approval: must renew every two years

FEE

Training course approval: none

However, the training entities charge fees for special medical waste incinerators and industrial waste incinerators training classes.

ADDITIONAL INFORMATION

There is a 45 day grace period after the expiration date to renew the certification. Incinerator operator certifications are not transferable from one incinerator classification to another.

DEPARTMENT CONTACT

Lorraine Anderson
Air Quality Permits Program
(410) 537-4406

1.10 FLEET INSPECTION STATION (FIS) LICENSE

PURPOSE

The Department issues this license as a service in order to allow owners of fleet vehicles to perform official emissions inspections on their fleets or, in the case of automobile dealers, to inspect both their own fleets and/or those belonging to other automobile dealers.

AUTHORITY

STATE: Transportation Article, Title 23, Subtitle 2, Sec. 23.201- 23.209; COMAR 26.11.14.08.32-.42 and 26.11.14.08.29.

REQUIREMENTS

PRE-APPROVAL: The prospective FIS must own or operate a fleet of at least 25 vehicles, maintain a repair facility, have an emissions analyzer that conforms at a

minimum to the 1980 California Bureau of Automotive Repair standards, have specific tools and employ a certified emissions technician. The emissions analyzer must pass an entry audit.

POST-APPROVAL: The facility agrees to participate in the Vehicle Emissions Inspection Program's quality assurance program by calibrating the analyzer at least once a week and participating in a cost free, monthly, quality assurance audit.

APPLICATION PROCESS

With the transition to a mandatory dynamometer test for most vehicles, the Department has extended the license for current holders until December 31, 1998 and is not accepting new applications.

This licensing service may again be reinitialized in the future when qualifying FIS's install new test equipment that meets the new dynamometer test standards.

STANDARD TURNAROUND TIME

Not applicable

TERM OF LICENSE

Current licenses will be extended until December 31, 1998.

FEE

None

However, the FIS must pay \$2.20 to the Maryland Motor Vehicle Administration for each vehicle emissions test performed. Call the Motor Vehicle Administration at (410) 787-2941 for more information.

DEPARTMENT CONTACT

Russet Jackson
Mobile Sources Control Program
(410) 537-3270

1.11 CERTIFIED EMISSIONS REPAIR FACILITY (CERF) CERTIFICATION

PURPOSE

This certificate ensures that motor vehicle repair facilities, that meet minimum requirements established by the State, are available to the general public to adequately perform engine repairs to ensure healthy air quality.

This voluntary certification may be sought by owners or operators of vehicle repair facilities.

AUTHORITY

STATE: Transportation Article, Title 23, Subtitle 2, Sec. 23.201-23.209; COMAR 26.11.14.08.30 and 26.11.14.08.29.

REQUIREMENTS

PRE-APPROVAL: Certification requirements include an emissions analyzer that meets 1980 California Bureau of Automotive Repair standards, ownership of specified tools and the employment of a certified emissions technician. The emissions analyzer must pass an entry audit.

POST-APPROVAL: Each facility participates in the Vehicle Emissions Inspection Program's Quality Assurance Program by calibrating its analyzer at least once every two weeks and participating in a bimonthly quality assurance audit.

NOTE: The Department will be developing new requirements for CERF in accordance with the Transportation Article, Title 23, Sec. 23-202(c)(4). In the meantime, the current CERF requirements will be continued.

APPLICATION PROCESS

- 1) After receiving a complete application, the Department schedules a new facility inspection and emissions analyzer audit.
- 2) If the applicant passes the inspection and audit, the facility is given a CERF number and can begin work in the program.
- 3) The official CERF sign is provided free of charge by the Department and is posted out of doors at each CERF. A temporary certificate can be issued at the time the CERF passes its first quality assurance audit or it may be picked up at the Department's main office. The permanent certificate is mailed within two weeks.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

Must renew every three years

FEE

None

DEPARTMENT CONTACT

Russet Jackson
Mobile Sources Control Program
(410) 537-3270

1.12 MASTER CERTIFIED EMISSIONS TECHNICIAN CERTIFICATION

PURPOSE

The Department certifies automotive repair technicians to perform emissions related repairs after they have successfully earned certain Automotive Service Excellence (ASE) certifications. This license improves the quality of emissions related repairs on citizens' vehicles. By reducing the amount of ozone producing pollutants coming from motor vehicles, these vehicle repair technicians help to improve the air quality in Maryland. Improved automotive emissions related repairs also reduce the number of citizens' vehicles which fail the mandatory emissions test required by the State's Vehicle Emissions Inspection Program.

The Certificate may be sought by technicians who work at:

- Fleet inspection stations and who want to perform vehicle emissions inspections and repairs according to the State's program; and
- Certified emissions repair facilities who want to make certified repairs to vehicle emissions control equipment.

AUTHORITY

STATE: Transportation Article, Title 23, Subtitle 2, Section 23.201-23.209 and 26.11.14.08.29.

REQUIREMENTS

PRE-APPROVAL: The prospective Master Certified Emissions Technician

(MCET) must be an automotive technician with a minimum of 5 years experience in engine repair and must possess ASE certifications in electrical systems (A-6), engine performance (A-8) and advanced engine performance (L-1). Call (703) 713-3800 for information about ASE exams. The MCET applicant must also agree to take a one day State orientation course which will be offered in late 1998.

POST-APPROVAL: The initial MCET license shall be renewed as each ASE certification expires.

NOTE: The Department will be developing new requirements for MCET in accordance with the Transportation Article, Title 23, Sec. 23-202(c)(4). In the meantime, the current MCET requirements will be continued.

APPLICATION PROCESS

- 1) The Department reviews the application for completeness.
- 2) The Department examines the application to determine compliance with the applicable requirements.
- 3) The certificate is mailed within 2 weeks of application approval.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

Maximum of five years

The renewal time is dependant upon the earliest ASE Certificate expiration.

FEE

None

DEPARTMENT CONTACT

Russet Jackson
Mobile Sources Control Program
(410) 537-3270

1.13 RADIATION MACHINE FACILITY REGISTRATION

PURPOSE

This registration ensures that a radiation machine and the facility in which it is used are registered with the State.

This registration is needed before operating any radiation machine or modifying any facility in which a radiation machine is to be used for health, industrial or scientific purposes, or changing the location of a machine. This affects all x-ray machines, including those in dental offices, clinics, medical facilities, industrial users and academic institutions. This registration must be updated each time an x-ray machine is added to or removed from the facility inventory.

AUTHORITY

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.01.

REQUIREMENTS

PRE-APPROVAL: For machines used in the health care field, registration is contingent upon the review and approval of construction or modification plans. All radiation machine facilities must be registered before the radiation (x-ray) machine is operated.

POST-APPROVAL: Any change in location of a health care machine, even a move from one room to another, is subject to plan review and re-registration. Portable machines are exempt from this requirement.

OTHER APPROVALS

A State form, MDE RX 24 "Report of Assembly, Reassembly, or Removal of Radiation Machine", must be sent to the Department by the registered service person who assembles/installs the radiation machine.

APPLICATION PROCESS

- 1) An applicant submits a completed application to the Department. When required, the applicant must also forward a plan review that has been completed by a person licensed by the State.
- 2) The Department sends the applicant an approval of the facility plans and shielding, if submitted.
- 3) The Department issues the registration.

STANDARD TURNAROUND TIME

90 days for dental and veterinary machines

6 months for all other machines

TERM OF REGISTRATION

There is no limit on the number of years a facility can remain registered (except for accelerators). Facilities must notify the Department when they no longer own the x-ray unit and the Department will cancel the registration. Accelerators must register every 3 years.

FEE

Late registration fee: Range from \$40 and \$1,675 per tube/facility/year. This fee depends on the type of machine and is imposed when facilities do not register on time as required.

Annual fee: \$40/year/machine for dentists; \$70/year/machine for veterinarians (This fee is higher because these machines are larger and more complex).

The Radiological Health Program's fee regulations, COMAR 26.12.01.02 & .03 were revised with the effective date January 26, 1998.

ADDITIONAL INFORMATION

Fee payment is not required until the registration process is complete. An invoice will accompany the final registration approval. All machines except those used in dental and veterinary practices must also be periodically certified (see section 1.14).

DEPARTMENT CONTACT

Radiological Health Program
(410) 537-3193

1.14 CERTIFICATION OF MACHINES EMITTING RADIATION

PURPOSE

All radiation machines in Maryland must meet the State performance standards to ensure minimal health risk and optimal safety of anyone exposed to its radiation. Affected facilities include hospitals, clinics, industries and academic institutions that house operable x-ray machines.

AUTHORITY

FEDERAL: 21 Code of Federal Regulations, Chapter I,

Subchapter J.

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.02.

REQUIREMENTS

PRE-APPROVAL: All applicants except mammography, dental and veterinary practices must hire a state licensed inspector to examine the radiation machine and the facility, and produce certification data not more than six months before the certification due date. If the machine is not in compliance, it must be repaired, then reevaluated by the state licensed inspector. An application must be submitted at least 45 days before the certification due date. Machines used by dentists and veterinarians are inspected by the Department every three years. Mammography facilities are inspected annually under the Mammography Quality Standards Act/ Food and Drug Administration contract with certified mammography inspectors.

POST-APPROVAL: The radiation machine and all auxiliary devices, including film processing devices, should be maintained at optimum levels until the next scheduled certification.

APPLICATION PROCESS

- 1) Owners (other than dentists and veterinarians) must have a certified private inspector inspect the machine.
- 2) The inspector certifies to the Department that the machine functions properly and that necessary repairs have been made.
- 3) The Department issues a letter of certification. A state tag, which must be affixed to the machine, will be issued to machines not previously identified.

STANDARD TURNAROUND TIME

6 months.

The processing time may be significantly delayed if the applicant does not contact a Department inspector prior to the certification due date to ensure that the inspection will be completed in time to forward the necessary paperwork to the Radiological Health Program.

TERM OF CERTIFICATION

Every one, two or three years depending on the equipment.

FEE

\$250 for accelerators (a special high powered radiation machine).

\$100 for all other radiation machines.

The fee must be paid before the machine can be certified. The applicant will receive an invoice after the inspection results are received.

The Radiological Health Program's fee regulations, COMAR 26.12.01.02 & .03 were revised with the effective date January 26, 1998.

DEPARTMENT CONTACT

Radiological Health Program
(410) 537-3193

1.15 RADIOACTIVE MATERIALS LICENSE

PURPOSE

All facilities that possess or use radioactive materials must be licensed by the state to ensure that users have sufficient knowledge and training to use these materials safely. A radioactive material is any radioisotope occurring naturally, produced by an accelerator or generated as a by-product of a nuclear reactor.

Industrial radiographers, hospitals, nuclear pharmacies, medical offices, radioactive source manufacturers, construction companies, laboratories (research and medical) and radiation consultants are among those who may require this license.

AUTHORITY

FEDERAL: Section 274 of the Atomic Energy Act, which is implemented by the Nuclear Regulatory Commission.

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.01.01.

REQUIREMENTS

PRE-APPROVAL:

- 1) Training requirements for those who use radioactive materials range from four hours for the use of a well-shielded device containing sealed radioisotopes to a three year training program for the use of sealed sources in medical therapy on humans.
- 2) Depending upon the specific use and circumstances, there may be a requirement for extensive protective and monitoring equipment.
- 3) The Radiological Health Program also evaluates the use of non-sealed source material that can readily contaminate the environment.

POST-APPROVAL: Continued license approval may depend on any or all of the following: inspection status reports, inventories, routine surveys, semi-annual leak tests, periodic meter calibration, and other routine equipment checks.

APPLICATION PROCESS

- 1) The licensee completes an initial or renewal application, which is reviewed by the Department within one week of receipt.
- 2) If the application is complete and satisfactory, the license is issued. If the application is incomplete, a deficiency letter is sent to the applicant.

STANDARD TURNAROUND TIME

7 Months

There here are 53 different types of radioactive material licenses. A portable lead paint analyzer or gauge may take only one month to license. On the other hand, the gamma knife, manufacturing and distribution of high intensity sources, irradiators, etc. could take much longer due to the amount and complexity of radioactive materials used. Also, processing depends on the timely submission of additional information by the applicant to ensure compliance with the safe use of radionuclides.

TERM OF LICENSE

Five years, unless the Department grants special extensions.

FEE

\$350 to \$6,750 per year, depending on the complexity of the operation and the license. Once the annual licensing fees are paid, unlimited license amendments, inspections, investigations, etc. can occur at no further cost.

The Radiological Health Program's fee regulations, COMAR 26.12.01.02 & .03 were revised with the effective date January 26, 1998.

ADDITIONAL INFORMATION

Previous Nuclear Regulatory Commission and/or Agreement State licensure is accepted as proof of adequate training and experience.

DEPARTMENT CONTACT

Carl E. Trump, Jr.
Radiological Health Program
(410) 537-3302

1.16 PRIVATE INSPECTOR LICENSE FOR INSPECTING X-RAY MACHINES

PURPOSE

This license is issued to people who wish to inspect x-ray machines as part of the State's certification process. The license ensures that x-ray machines and accelerators are inspected properly.

AUTHORITY

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.02.

REQUIREMENTS

PRE-APPROVAL: Each applicant must forward a resume indicating formal education and applied radiation machine experience. The following experience is needed:

(a) The licensee shall have a level of training and applied radiation machine experience equal to or greater than one of the following sets of criteria:

(i) A bachelor's degree with 30 credit hours in the physical or

biological sciences or mathematics, and 4 years of applied radiation machine experience acceptable to the Department,

(ii) A master's degree in health physics or medical radiological physics, and 2 years of applied radiation machine experience acceptable to the Department,

(iii) A doctor's degree in health physics or medical radiological physics, and 1 year of applied radiation machine experience acceptable to the Department,

(iv) Certification by the American Board of Health Physics or the American Board of Radiology, and 1 year of applied radiation machine experience acceptable to the Department, or

(v) An associate's degree with 15 credit hours in the physical of biological sciences or mathematics, and 10 years of applied radiation experience acceptable to the Department;

(b) In addition to the requirements listed above, a licensee who inspects radiation machines having energy levels greater than one million electron volts shall have at least 1 year of experience at activities that provide information useful in the determination of compliance of these radiation machines with Section F.(9) and I. of the "Maryland State Department of the Environment Regulations for control of Ionizing Radiation" (1994) which is incorporated by reference in COMAR 26.12.01.01 or the equivalent regulations of the federal government or of any other state.

POST-APPROVAL: At the Department's request, a state-licensed inspector must be prepared to demonstrate that the inspection methods used are at least as accurate and precise as those used by the Department. Inspectors must also be prepared to defend their work if the machine user should challenge it.

APPLICATION PROCESS

1) The applicant must complete the required education and experience as found in COMAR 26.12.02.

2) The applicant must file a completed application with the Department.

3) The Department issues the license.

STANDARD TURNAROUND TIME

60 days

TERM OF LICENSE

Maximum of three years

Fee

None

DEPARTMENT CONTACT

Radiological Health Program
(410) 537-3193

1.17 RECIPROCAL RECOGNITION OF OUT-OF-STATE RADIOACTIVE MATERIALS LICENSES

PURPOSE

As a U.S. Nuclear Regulatory Commission (NRC) agreement state, Maryland is obliged to recognize radioactive material licenses (see section 1.15.) issued by the NRC or other agreement states to licensees with out-of-state facilities. The licensee

must, however:

- *Meet procedural requirements for working in Maryland;*
- *Obtain an authorization letter from the Department;*
- *Pay a reciprocity fee; and*
- *Notify the Department immediately before and after working in the state.*

AUTHORITY

FEDERAL: Atomic Energy Act of 1954, as amended S274b.

STATE: Environment Article, Title 8; COMAR 26.12.

REQUIREMENTS

Reciprocal recognition requires written notification of a licensee's intent to work in Maryland. This letter must be received by the Department at least three days before starting work. The Department will accept telephone notification at least three days in advance, with written notification to follow via mail or facsimile communication.

APPLICATION PROCESS

A licensee must file an authorization request that includes:

- a) A copy of the current NRC or agreement state license and referenced procedures;
- b) Documentation of radiation safety training for all users of radioactive materials;
- c) Exact dates of work and location(s) with approximate work time(s) of day;

- d) Names of scheduled workers;
- e) Vehicle identification for the vehicle that will be used to transport/store radioactive material at the job site including vehicle make, year, tag number;
- f) A list of emergency personnel and their phone numbers (24-hours);
- g) Name, address and telephone number of client;
- h) Name and telephone number of a contact at the work site;
- i) Source and device information, including serial numbers and the date of the last leak test; and
- j) Storage method in Maryland.

STANDARD TURNAROUND TIME

21 days

TERM OF LICENSE

Authorization to use radioactive materials under reciprocity shall not exceed 180 days in any twelve (12) consecutive month period. Prior to that time, a written request may be made that reciprocity remain in force.

FEE

\$350-\$6,750 per year depending on the complexity of the operation and the license. This fee must be paid before any work will be authorized.

The Radiological Health Program's fee regulations, COMAR 26.12.01.02 & .03 were revised with the effective date January 26, 1998.

ADDITIONAL INFORMATION

People working in Maryland must have specific documents listed in the reciprocity letter, in their possession; as well as a copy of COMAR 26.12.01.01, entitled *Regulations for Control of Ionizing Radiation*; and copies of both the request for authorization and the Department's reciprocity letter. Section C.90 of the regulations refers to requirements for reciprocity.

The Department must be notified in the event of the following changes:

- 1) By 9 AM, if previously scheduled work is not to be performed;
- 2) By 4 PM, if work scheduled after regular hours is not to be performed;
- 3) Anytime if personnel leave a work site before half of the scheduled work period has passed; and
- 4) Anytime submitted work times are rescheduled or changed.

Any incident occurring in Maryland such as personnel overexposure, loss or theft of any device containing a sealed radiation source, leakage due to loss of source integrity, severe damage to the device causing or threatening to cause excessive radiation or loss of source integrity or any other event requiring notification of local civil authorities shall be immediately reported to the Department:

- After hours (866) 633-4686
- During work hours (410) 537-3300 or (410) 537-3000

DEPARTMENT CONTACT

Carl E. Trump, Jr.
Radiological Health Program
(410) 537-3301

WASTE MANAGEMENT ADMINISTRATION

MDE's Waste Management Administration (WAS) protects and restores our land and water resources by reducing the quantity and toxicity of generated wastes through recycling and source reduction, ensuring the control and proper disposal of waste, assuring that oil is handled in an environmentally safe manner and that contaminated sites are remediated for viable economic development. This is achieved by maintaining a highly visible presence in the regulated community, providing assistance to stakeholders and developing long-term strategies for waste management needs.

PROGRAMS AND OFFICES ADMINISTED BY WAS ARE:

- Regulatory and Technical Assistance Program
- Solid Waste Program
- Hazardous Waste Program
- Oil Control Program
- Environmental Restoration and Redevelopment Program
- Office of Planning and Outreach Services
- Office of Administrative Services

FUNCTIONS:

Permitting facilities and conducting compliance inspections to assure the proper management of solid waste, hazardous waste, sewage sludge, petroleum products, medical waste, scrap tires, and natural wood waste.

Administering the remediation of leaking underground storage tank (UST) sites and the laws relating to the proper installation and operation of tanks at over 15,000 sites statewide.

Administering the UST Upgrade and Replacement Loan Program which provides low interest loans to tank owners and the UST Site Cleanup Reimbursement Program which reimburses tank owners for

costs incurred during cleanup activities.

Administering a "Superfund" program which assesses suspected hazardous waste sites, including federal facilities, to control and remove environmental and public health threats through site cleanups and remedial actions.

Administering a voluntary cleanup program for sites with environmental contamination to encourage increased cleanups and the reuse or redevelopment of abandoned industrial and commercial properties.

Registering and inspecting vehicles which transport hazardous materials to ensure that wastes are properly and safely handled during transportation.

The Waste Management Administration also has other non-permit programs which facilitate local and regional planning for solid waste and low level radioactive waste management, administer Maryland's lead paint abatement program, provide accreditation of lead service activities, maintain the childhood lead poisoning registry and track the incidence of lead poisoning in the State.

As part of the Waste Management Administration's commitment to improved customer service while protecting the environment, general permits have been developed for oil facilities with wastewater discharges to improve efficiency and service to stakeholders by reducing the time necessary to obtain required permits and approvals. General permits are being developed for: scrap tire facilities, solid waste transfer stations, solid waste processing, sewage sludge utilization, and oil operations.

2.01 STATE REFUSE DISPOSAL PERMIT

PURPOSE

This permit ensures the proper disposal of solid waste in an environmentally acceptable manner while protecting public health and the environment including surface and ground water.

Any person who installs, alters or extends a refuse disposal system must obtain this permit. Refuse disposal systems which require this permit include:

- *Municipal landfills*
- *Land clearing debris landfills*
- *Industrial landfills*
- *Rubble landfills*
- *Municipal and special medical wastes incinerators*
- *Waste transfer stations*
- *Waste processing facilities*

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act (RCRA) Subtitle D and 40 CFR Parts 257 and 258

STATE: Environment Article - Title 9, Subtitle 2, Annotated Code of Maryland; COMAR 26.04.07.

REQUIREMENTS

PRE-APPROVAL: Applications for refuse disposal permits for landfills and incinerators are subject to the public participation requirements of the Administrative Procedure Act (APA) as defined in §1-601 of the Environment Article. Prior to issuance of a permit for a landfill, incinerator or transfer station, the applicant must provide a bond or security payable to the county government where the facility is to be located in an amount consistent with the provisions of §9-211 of the Environment Article. Applicants for landfills must provide documentation of deed amendments which restrict future land use on the site.

LOCAL APPROVALS

The local government must provide a written statement to the Department that the proposed refuse disposal system is in conformity with the approved solid waste management plan and meets all applicable local zoning and land-use requirements. For rubble landfills, specified wastes which are authorized to be disposed in the facility must be listed in the county solid waste management plan. A local construction or occupancy permit may also be required.

APPLICATION PROCESS

The process for refuse disposal systems which are not subject to the APA requirements are as follows:

- 1) The required number of copies of the completed application and supporting information are filed.
- 2) The Department distributes the application to local, state, and federal agencies, and conducts an inspection of the proposed site.
- 3) The Department reports the finding of its preliminary technical review in writing to the local government. Approval from the local government must be received prior to issuance of the permit.
- 4) The applicant prepares and submits detailed engineering plans and specifications including an operating manual for the proposed facility.

The process for refuse disposal systems which are subject to the APA requirements are as follows:

- 1) Complete steps 1 through 3 listed above.
- 2) For landfills: The applicant must submit a hydrogeological assessment of the site, a conceptual facility plan, and detailed engineering plans and specifications, including an operating manual for the proposed facility, (municipal landfills must also submit one year of ground water data).
- 3) After review, the Department holds a plan review meeting with the applicant and

other interested agencies.

4) The Department prepares and publishes notice of receipt of the application and an opportunity to request or schedule a public information meeting. Designated elected and public officials are notified by certified mail.

5) For rubble landfills: owners of adjacent properties are notified. The applicant is required to post a notice of the permit application and information relating to the public meeting and public hearing.

6) After completion of the technical review, the Department prepares and publishes:

a. A notice of tentative determination regarding the permit application, which may include a draft permit and provide an opportunity to request a public hearing or to schedule a public hearing.

b. After the close of the record, the Department provides written responses to the comments, makes a final determination on the application, and publishes a notice.

c. If a final determination is not required, the Department's tentative determination becomes a final decision. The issuance of a permit may be subject to a contested case proceeding pursuant to §1-605 of the Environment Article.

Public hearings for other permit applications for the same facility may be consolidated.

STANDARD TURNAROUND TIME

Solid waste transfer station - 7 months

Solid waste processing facility - 9 months

Solid waste incinerator & land clearing debris landfill - 12 months

Industrial landfill - 24 months

Rubble and municipal landfills - 36 months

The refuse disposal permit review process encompasses many scientific disciplines and very complex environmental protection systems for a proposed facility. The total time required to process a permit application is also dependent on the completeness of the application filed, timely responses by the applicant to data requests, and obtaining approvals from local governments or other agencies. Applicants may expedite this process by submitting complete applications with all supporting documentation and approvals.

TERM OF PERMIT

Maximum of five years

FEE

None

OTHER APPROVALS

Other approvals that may be required include:

- Rubble landfills are required to obtain a groundwater discharge permit (see section 2.2);
- Air quality permits (see sections 1.01 through 1.06);
- Incinerator operator certification (see section 1.09);
- Industrial water discharge permits (see sections 3.01, 3.02 and 3.04);
- Wetland permits (see sections 3.16 through 3.18);
- Erosion/sediment control approval (see section 3.19);
- General permit for construction activity (see section 3.21); or
- Federal Aviation Administration approval of stack height or landfill location.

DEPARTMENT CONTACT

A.Hussain Alhija
Solid Waste Program
(410) 537-3375

2.02 GROUND WATER DISCHARGE PERMIT FOR RUBBLE LANDFILLS

PURPOSE

A ground water discharge permit, along with a refuse disposal permit, includes limitations and requirements deemed necessary to protect public health and minimize ground water pollution. Ground water discharge permits for rubble landfills regulate the discharge of pollutants that may be generated as a result of rain water or ground water passing through the rubble waste in an unlined disposal cell and seeping into ground water beneath the landfill. Rubble wastes consists primarily of waste resulting from construction and demolition activities and land clearing debris.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04 and COMAR 26.08.07.

REQUIREMENTS

PRE-APPLICATION REVIEW: Favorable results from a preliminary site evaluation by the Department.

POST-APPROVAL: The permittee must comply with the permit conditions to avoid enforcement actions.

LOCAL APPROVALS

Local permits for building and sediment control may be needed for these projects but they are not required to process a ground water discharge permit.

OTHER APPROVALS

A state refuse disposal permit is required for all rubble landfills (see section 2.01).

APPLICATION PROCESS

- 1) Submit a completed application form.
- 2) The Department publishes notice of the application received and provides an opportunity to request an informational meeting.
- 3) Hold an informational meeting, if requested.
- 4) The Department publishes a notice of tentative determination and conducts a public hearing, if requested.
- 5) If adverse comments are received, the Department prepares a final determination and publishes additional notice providing 15 days to request a contested case hearing.
- 6) The Department issues the permit if the final determination is not contested.
- 7) If contested, the administrative procedures for the appeal process are followed.

STANDARD TURNAROUND TIME

6 months

An applicant can reduce this time frame by sending a complete application including chemical test results and the fee.

TERM OF PERMIT

Maximum of five years

FEE

Application fee: \$50 to \$2,000 depending on the volume of discharge.

Annual permit fee: \$100 to \$5,000 depending on the volume of the discharge.

DEPARTMENT CONTACT

A.Hussain Alhija
Solid Waste Program
(410) 537-3375

2.03 SEWAGE SLUDGE UTILIZATION PERMITS

PURPOSE

Sewage sludge is not sewage. It is one of the final products of the treatment of sewage at a sewage (wastewater) treatment plant. After treatment to break down the organic matter and destroy disease organisms, the remaining fine particles ultimately become sludge. The application of sewage sludge to land returns essential nutrients to the soil, adds organic matter, and can improve the tillability and moisture retention capability of the soil.

A sewage sludge utilization permit is required for any person who collects, incinerates, stores, treats, applies to land, transports or disposes of sewage sludge or septage in Maryland.

AUTHORITY

FEDERAL: 40 CFR Part 503

STATE: Environment Article - Title 9, Subtitle 2, Annotated Code of Maryland;
COMAR 26.04.06.

REQUIREMENTS

PRE-APPROVAL: Non-governmental permittees must maintain the bonding requirements as specified in COMAR 26.04.06.07.

LOCAL APPROVALS

Some counties have delegated authority for septage management. Check with the specified county. Sewage sludge composting facilities must comply with county zoning and land use requirements and provide a written statement that the county does not oppose the issuance of the permit.

APPLICATION PROCESS

- 1) The applicant submits a completed application and the required number of copies to be distributed to local agencies.
- 2) The Department conducts an inspection of the proposed site.
- 3) For applications to apply sewage sludge to marginal land, the Department will publish a notice of application received in a local newspaper. Upon request from the local government, the Department will publish notice and conduct a public informational meeting for applications to apply sewage sludge to agricultural land or a public hearing on an application to apply sewage sludge to marginal land.
- 4) To install, alter or extend a structure or facility used for the storage or distribution of sewage sludge, the Department prepares and publishes notice of receipt of the application and an opportunity to request a public information meeting. If requested, the Department publishes notice and conducts an information meeting on the application.

5) After completion of the technical review for a structure or facility in #4 above, the Department prepares and publishes:

- a. A notice of tentative determination regarding the permit application and notice of a scheduled public hearing,
- b. After the close of the public hearing record, the Department provides written responses to the comments and publishes a notice of final determination on the application, and
- c. If a final determination is not required, the Department's tentative determination becomes a final decision.

STANDARD TURNAROUND TIME

Research permit - 45 days

Transportation permit - 3 months

Landfill disposal permit - 5 months

Distribution & land application permits - 6 months*

Permanent facility & incineration permits - 23 months

Innovative permit - 24 months

* This turnaround time for land application permits is now under review.

TERM OF PERMIT

Maximum of five years for all sludge utilization permits except composting facilities (permanent facilities) which are three year permits.

FEE

Application and renewal fees:

Research projects \$25
Transportation, when permitted separately \$45
Application to agricultural land \$175
Beneficial use at a sanitary landfill \$175
Application on marginal land \$350
Construct and operate a permanent facility
other than an incinerator \$350
Disposal at a sanitary landfill \$350
Construct and operate an incinerator \$750
Distribution \$750
Innovative projects, fee not to exceed \$750
Minor modification \$40
Major modification \$130

ADDITIONAL INFORMATION

The Department may enter into a contract with a county, upon request, to provide supplemental inspections and monitoring of sewage sludge utilization sites. Sewage sludge that is utilized on land requires the written consent of the property owner.

DEPARTMENT CONTACT

A.Hussain Alhija
Solid Waste Program
(410) 537-3375

2.04 NATURAL WOOD WASTE RECYCLING FACILITY PERMIT

PURPOSE

The permit assures the proper management and recycling of natural wood wastes such as tree limbs, brush, tree stumps, root mats, logs, leaves, grass clippings and other natural materials that are generated when land is cleared for construction purposes. These facilities produce a variety of products including compost and mulch which may be sold to consumers.

The permit is required for those persons who construct and operate natural wood waste recycling facilities.

AUTHORITY

STATE: Environment Article - §9-1701 and §9-1708; COMAR 26.04.09.

REQUIREMENTS

Applicants for a natural wood waste recycling facility permit must submit a completed application and documentation regarding other environmental permitting requirements to the Department. Applicants will be responsible for all publication costs for public notices including an informational meeting.

APPLICATION PROCESS

- 1) Submit the required number of copies of a completed application with supporting information to the Department.
- 2) Within 30 days of submitting an application, the applicant is required to publish a notice of application submitted and opportunity for comment in a newspaper with general circulation in the county where the proposed facility is to be located.
- 3) If a meeting is requested, a notice to hold an information meeting will be published in the newspaper for two consecutive weeks.
- 4) The Department distributes copies of the application to state, local and federal agencies for review and comment and conducts an inspection of the proposed site.
- 5) Once the application is deemed technically complete and the review process is

complete, the Department issues the permit.

STANDARD TURNAROUND TIME

9 months

TERM OF PERMIT

Maximum of five years

FEE

None

OTHER APPROVALS

Other approvals that may be required include:

Industrial water discharge permits (see sections 3.01, 3.02 and 3.04);
Wetlands permit (see sections 3.16 through 3.18);
Erosion/sediment control approval (see section 3.19); or
General permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

A. Hussain Alhija
Solid Waste Program
(410) 537-3375

2.05 SCRAP TIRE MANAGEMENT LICENSES AND APPROVALS

PURPOSE

Any person who transports, collects, processes, recycles, disposes, incinerates or utilizes scrap tires as tire derived fuel (TDF) will require the appropriate authorization. The necessary licenses or approvals are listed below.

A Scrap Tire Hauler License is for commercial businesses which transport more than five scrap tires annually in Maryland.

A Scrap Tire Collection Facility License is for facilities which collect or accumulate scrap tires temporarily and transfer the tires to other licensed or approved scrap tire facilities. The categories are based on the number of scrap tires at a site at any one time:

- a) General Scrap Tire Collection Facility - accumulates or stores up to 50 scrap tires on site at any one time.
- b) Secondary Scrap Tire Collection Facility where 51-1,500 scrap tires are on the site at any one time.
- c) Primary Scrap Tire Collection Facility where more than 1,500 scrap tires are on site at any one time.

A Scrap Tire Recycler License is for facilities that recycle or process scrap tires into raw materials or marketable products.

A Tire Derived Fuel or Substitute Fuel Facility Approval is to utilize scrap tires (whole or chipped) as a fuel or supplemental fuel.

A Solid Waste Acceptance Facility Approval is to provide for, by modification to a refuse disposal permit at permitted solid waste acceptance facilities, the acceptance, storage, use in a process, or transfer of scrap tires to other licensed approved tire facilities. Disposal of scrap tires in sanitary landfills is prohibited.

AUTHORITY

STATE:§9-228 Environment Article, Annotated Code of Maryland; COMAR 26.04.08.

LOCAL APPROVALS

Proper zoning from the county is required.

Any scrap tire facility that wants to be included in the scrap tire recycling system must make application to the Maryland Environmental Service (MES) and submit the following:

- 1) Certification by the county or municipal corporation that the facility meets all applicable zoning and land use requirements.
- 2) A letter from the county stating that the facility is in conformance with the county solid waste management plan and that the facility will be included in the next update of the plan.
- 3) Applicants applying to become part of a scrap tire recycling system must provide financial assurance documentation and certified financial statements.

APPLICATION PROCESS

- 1) An applicant submits a completed application and the required information.
- 2) The Department may conduct a public information meeting for a primary scrap tire collection facility, scrap tire recycling facility or scrap tire derived fuel or substitute fuel facility.

STANDARD TURNAROUND TIME

Scrap Tire Hauler, General and Secondary Scrap Tire Collection Facility - 60 days

Scrap Tire Solid Waste Acceptance Facility and TDF/Substitute Fuel Facility - 7

months*

Primary Collection Facility and Scrap Tire Recyclers - 9 months

* This turnaround time is now under review.

TERM OF LICENSE/APPROVAL

All scrap tire licenses and approvals must be renewed every five years. General scrap tire collection facility licenses have no expiration date.

FEE

None

OTHER APPROVALS

Other approvals that may be required include:

- Air quality permits (see sections 1.02 through 1.05);
- Industrial water discharge permits (see sections 3.01, 3.02 and 3.04);
- Wetlands permit (see sections 3.16 through 3.18);
- Erosion/sediment control approval (see section 3.19); or
- General permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

Lori Scozzafava
Solid Waste Program
(410) 537-3315

2.06 OIL OPERATIONS PERMIT

PURPOSE

Any person who stores more than 10,000 gallons of oil in above-ground tanks, transports oil or operates oil transfer facilities must obtain this permit.

Storage facilities at single family residences and oil storage at farms up to 10,100 gallons are exempt from this permit (see COMAR 26.10.01.09).

AUTHORITY

STATE: Environment Article - §4-405, Annotated Code of Maryland; COMAR 26.10.01.07.

APPLICATION PROCESS

- 1) Applicant submits a completed application to the Department.
- 2) The Department reviews the application and inspects the site.
- 3) The Department issues or denies the permit.

STANDARD TURNAROUND TIME

60 days

TERM OF PERMIT

Maximum of five years

FEE

None

OTHER APPROVALS

In addition to the oil operations permit, the company may need the following permits:

Air quality permits (see sections 1.01, 1.02 and 1.05);
Wetland permits (see sections 3.16 through 3.18); or
For oil facilities only, a wastewater discharge permit (see sections 2.09, 2.10 and 2.11).

DEPARTMENT CONTACTS

Horacio Tablada or Greg Sonberg
Oil Control Program
(410) 537-3386

2.07 OIL OPERATIONS PERMIT FOR OIL CONTAMINATED SOILS

PURPOSE

An oil operations permit for treatment of oil contaminated soils is required for anyone who stores and treats oil contaminated soil.

Typical treatment technologies include thermal desorption, physical/chemical stabilization, brick manufacturing, and a variety of biological treatments.

AUTHORITY

STATE: Environment Article - §4-405, Annotated Code of Maryland; COMAR 26.10.13.

LOCAL APPROVALS

Local zoning and land use approvals for the proposed treatment facility must be obtained.

APPLICATION PROCESS

1) Applicant submits a preliminary application with basic site information to the Department.

2) The Department inspects the facility and conducts a review of the proposed operation.

3) A formal application is submitted to the Department and made available for public review and the Department conducts a public information meeting.

4) The Department prepares written responses to questions and comments on the proposed treatment facility.

5) The Department issues or denies the permit.

STANDARD TURNAROUND TIME

6 months

TERM OF PERMIT

Maximum of three years

FEE

None

OTHER APPROVALS

Facilities which treat oil contaminated soils may also require other site specific approvals, such as:

Air quality permits (see sections 1.01, 1.02, and 1.05);
Industrial water discharge permits (see sections 3.01, 3.02 and 3.04);
Wetland permits (see sections 3.16 through 3.18);
Erosion/sediment control approval (see section 3.19); or
General permit for construction activity (see section 3.21).

ADDITIONAL INFORMATION

In the event that other permits are required, combined public meetings may be conducted by the Department for all permit applications.

DEPARTMENT CONTACTS

Horacio Tablada or Greg Sonberg
Oil Control Program
(410) 537-3386

2.08 OIL TRANSFER LICENSE

PURPOSE

An oil transfer license is required for any person who transfers oil (all volumes) into Maryland. Funds received from the oil transfer fee are used to fund the State's oil control and spill response activities.

AUTHORITY

STATE: Environment Article, §4-411, Annotated Code of Maryland; COMAR 26.10.01.06.

REQUIREMENTS

The licensee must submit quarterly reports indicating the volume of oil transferred and method of transfer into the State and the fee paid.

APPLICATION PROCESS

Applicant submits a completed application to the Department.

STANDARD TURNAROUND TIME

30 days

TERM OF LICENSE

One year

FEE

An oil transfer fee of \$0.015 per barrel of oil transferred into the State is assessed at the first point of transfer and paid quarterly.

OTHER APPROVALS

In addition to the oil transfer license, an oil operations permit may be required (see section 2.06).

DEPARTMENT CONTACTS

Horacio Tablada or Cindy Keller
Oil Control Program
(410) 537-3433

2.09 OIL CONTROL PROGRAM GENERAL

WASTEWATER DISCHARGE PERMITS

PURPOSE

The general permits for wastewater discharges from oil related activities increase the efficiency of the Department's permitting process through the issuance of generic permits to categories of business activities which are generally very similar in their wastewater characteristics. General permits with standardized permit conditions have been established for:

- Storm water and hydrostatic test water from oil terminals for terminals without pipeline or marine facilities and less than 5 million gallons total storage capacity; and*
- Remediated groundwater from petroleum contaminated groundwater sources.*

The general permits are for ground or surface water discharges.

AUTHORITY

FEDERAL: Federal Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 - .04.

REQUIREMENTS

All requirements listed in the general permit package must be met to obtain coverage under a general permit.

APPLICATION PROCESS

1) Complete a Notice of Intent (NOI) form.

2) Mail the completed NOI form to:

Maryland Department of the Environment
Environmental Permits Service Center
1800 Washington Blvd
Baltimore MD 21230
FAX: (410) 537-4477

3) Mail fee to:

Maryland Department of the Environment
P.O. Box 1417
Baltimore MD 21203-1417

4) The Department reviews the submitted NOI to ensure that the proposed discharge can be covered by a general permit.

5) The Department will notify the applicant in writing of the coverage and requirements under the general permit.

STANDARD TURNAROUND TIME

20 days

TERM OF PERMIT

Maximum of five years

FEE

Annual permit fee: \$120 per year due each July 1 or at the time of application (with prorating provisions at \$10 per month).

OTHER APPROVALS

In addition to the general discharge permit, the following approvals may also be

required:

Oil operations permit (see section 2.06);

Air quality permits (see sections 1.01, 1.02, and 1.05); or

Water appropriation and use permit (see section 3.07).

DEPARTMENT CONTACTS

Horacio Tablada or Robert Beasley

Oil Control Program

(410) 537-3386

2.10 SURFACE WATER DISCHARGE PERMIT FOR OIL TERMINALS

PURPOSE

The surface water discharge permit combines the requirements of the State discharge permit program and the National Pollutant Discharge Elimination System (NPDES) into one permit for oil terminal facilities that discharge to State surface waters. The permit is designed to meet federal effluent guidelines where applicable and to ensure the discharge satisfies State water quality standards.

AUTHORITY

FEDERAL: Federal Clean Water Act.

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 - .04. and COMAR 26.08.08.

REQUIREMENTS

POST-APPROVAL: Must meet all effluent limits, monitoring requirements and other permit conditions.

APPLICATION PROCESS

- 1) Submit a completed application form.
- 2) The Department publishes notice of the application and provides an opportunity for an informational meeting.
- 3) The Department develops permit limits.
- 4) The Department publishes a notice of tentative determination and conducts a public hearing, if requested.
- 5) The Department issues the permit if adverse comments are not received.
- 6) If adverse comments are received, the Department prepares a final determination and publishes additional notice providing 15 days to request a contested case hearing.
- 7) The Department issues the permit if the final determination is not contested.
- 8) If contested, the administrative procedures for the appeal process are followed.

STANDARD TURNAROUND TIME

5 months

TERM OF PERMIT

Maximum of five years

FEE

Application fee: \$50 to \$2,000 depending on the volume of discharge.

Annual permit fee: \$100 to \$5,000 depending on the volume of the discharge.

ADDITIONAL INFORMATION

In lieu of this individual discharge permit, a general permit has been issued for certain oil terminals (see section 2.09). Coverage under a general permit may be obtained within 30 days or less of submission of a Notice of Intent application and fee.

OTHER APPROVALS

In addition to the discharge permit one or more of the following approvals may also be required:

- Air quality permits (see section 1.01 through 1.05);
- Oil operations permit (see section 2.06); or
- Water appropriation and use permit (see section 3.07).

DEPARTMENT CONTACTS

Horacio Tablada or Robert Beasley
Oil Control Program
(410) 537-3386

2.11 GROUND WATER DISCHARGE PERMIT FOR OIL TERMINALS

PURPOSE

Ground water discharge permits control the disposal of treated industrial wastewater from oil terminals into the State's ground water via infiltration/percolation or other land-treatment applications. A ground water discharge permit will contain the limitations and requirements deemed necessary to protect public health and minimize ground water pollutions.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 - .04. and COMAR 26.08.07.

REQUIREMENTS

POST-APPROVAL: The permittee must comply with the permit conditions to avoid enforcement actions.

LOCAL APPROVALS

Local permits for building and sediment control may be needed for these projects but they are not required to process a ground water discharge permit.

APPLICATION PROCESS

- 1) Submit a completed application form.
- 2) The Department publishes notice of the application and provides an opportunity for an informational meeting.
- 3) Hold an informational meeting, if requested.
- 4) The Department publishes a notice of tentative determination and conducts a public hearing, if requested.
- 5) If adverse comments are received, the Department prepares a final determination and publishes additional notice providing 15 days to request a contested case

hearing.

6) The Department issues the permit if the final determination is not contested.

7) If contested, the administrative procedures for the appeal process are followed.

STANDARD TURNAROUND TIME

5 months

An applicant can reduce this time frame by sending a complete application including chemical test results and the fee.

TERM OF PERMIT

Maximum of five years

FEE

Application fee: \$50 to \$2,000 depending on the volume of discharge.

Annual permit fee: \$100 to \$5,000 depending on the volume of the discharge.

ADDITIONAL INFORMATION

In lieu of the individual discharge permit, a general permit has been issued for certain oil terminals (see section 2.09). Coverage under a general permit can be obtained within 30 days or less of submission of a Notice of Intent application and fee.

OTHER APPROVALS

In addition to the wastewater discharge permit one or more of the following approvals may also be required:

Air quality permits (see section 1.01 through 1.05);
Oil operations permit (see section 2.06); or
Water appropriations and use permit (see section 3.07).

DEPARTMENT CONTACTS

Horacio Tablada or Robert Beasley
Oil Control Program
(410) 537-3386

2.12 UNDERGROUND STORAGE TANK TECHNICIAN OR REMOVER CERTIFICATION

PURPOSE

To protect ground water from leaks caused by improperly removed or installed underground storage tanks (USTs), any individual who removes, installs, upgrades, repairs or retrofits an UST, must be certified. Some plumbers may also be required to obtain this certificate.

AUTHORITY

STATE: Environment Article, §4-405, Annotated Code of Maryland; COMAR 26.10.06.

REQUIREMENTS

PRE-APPROVAL: A demonstrated knowledge of the principles of proper underground storage tank removal and installation and state requirements.

POST-APPROVAL: Continued proper installation practices.

LOCAL APPROVALS

No local approvals are required to obtain the certificate, however counties and municipalities may require that UST projects be approved by the local authority before work begins. Check with the county or local authorities.

APPLICATION PROCESS

- 1) The applicant must call the Department at least 30 days prior to schedule a testing date.
- 2) The applicant completes the application form and takes either the technician examination (install and remove) or the remover examination (remove only).
- 3) Applicants with a score of 90% or better are certified.
- 4) For certificate renewal, installers may submit proof of attending at least one approved UST training course and provide proof of performing work at six UST sites instead of taking the examination.

STANDARD TURNAROUND TIME

20 days

TERM OF CERTIFICATION

Two years

FEE

\$100 every 2 years for technicians

\$50 every 2 years for removers

ADDITIONAL INFORMATION

Information on certified UST technicians is available from the Department upon request. Currently approved training seminars for UST technicians are offered on a regular basis at the Anne Arundel Community College, the Harford Community College, the Maryland Tank Installers Association and the Ten Hoeve Brothers Incorporated. To become an approved UST technician training provider, submit your course outline and description to the Department for approval.

DEPARTMENT CONTACTS

Horacio Tablada or Cindy Keller
Oil Control Program
(410) 537-3433

2.13 CONTROLLED HAZARDOUS SUBSTANCE FACILITY PERMIT

PURPOSE

The Controlled Hazardous Substance (CHS) Facility permit is required for the construction and operation of a facility used to treat, store or dispose of hazardous waste, the definition of which is found in COMAR 26.13.02.03.

AUTHORITY

FEDERAL: RCRA Subtitle C

STATE: Environment Article - Title 7, Subtitle 2, Annotated Code of Maryland;
COMAR 26.13.07.

REQUIREMENTS

PRE-APPROVAL: Applications for CHS permits are subject to the public participation requirements of the Administrative Procedure Act (APA) as defined in §1-601 of the Environment Article.

POST-APPROVAL: The permittee must pay an annual permit fee and maintain financial assurance for facility closure and liability.

LOCAL APPROVALS

Local zoning and land use approvals may be required.

APPLICATION PROCESS

- 1) The applicant submits an application fee and an application with supporting documents.
- 2) The Department prepares and publishes notice of receipt of the application and an opportunity to request a public information meeting or includes a date for the scheduled public information meeting. Applicants will be responsible for all costs for publication of public notices.
- 3) After the technical review, the Department prepares a tentative determination on the application and prepares a draft permit.
- 4) The Department prepares and publishes notice of the tentative determination that includes either an opportunity to request a public hearing or the date of the scheduled public hearing.
- 5) Following the close of the record for the public hearing, the Department reviews and prepares written responses to comments submitted and prepares a final determination if required. The Department publishes notice of the final determination.

STANDARD TURNAROUND TIME

26 months

TERM OF PERMIT

Maximum of five years

FEE

Permit fees are based upon the type and quantity of the CHS, type of operation i.e. storage, treatment or disposal of CHS, and the anticipated costs of regulatory activities. For the CHS permits currently in effect, the annual permit fees range from \$12,000 - \$45,000. Permit application fees are credited towards the permit fee.

OTHER APPROVALS

A corrective action permit is required from the EPA. Application to the EPA should be made concurrently with the CHS application to the Department, and sent to the attention of:

Mr. Robert Greaves (3WC23)
1650 Arch Street
Philadelphia PA 19103

or Mr. Greaves can be reached at (215) 814-3090

DEPARTMENT CONTACTS

Harold L. Dye Jr., Ed Hammerberg or Amin Yazdanian
Hazardous Waste Program
(410) 537-3345

2.14 HAZARDOUS WASTE; EPA

IDENTIFICATION NUMBER

PURPOSE

Generators, transporters, and facilities which treat, store, or dispose of hazardous waste are required to notify the U.S. Environmental Protection Agency (EPA) and the Department of the intent to generate, transport, and/or manage hazardous waste. Upon notification to the Department, an EPA Identification number is assigned.

AUTHORITY

FEDERAL: RCRA - Section 3010; 40 CFR Part 262.12, 263.11, and 264.11

STATE: COMAR 26.13.03.03, 26.13.04.01B and 26.13.05.02B

REQUIREMENTS

Generators: A generator may not treat, store, dispose, transport, or offer for transportation, hazardous waste without having received an EPA identification number. A generator may not offer hazardous waste to transporters or to treatment, storage or disposal (TSD) facilities that have not received an EPA identification number.

Transporters: A transporter may not transport hazardous waste without having received an EPA identification number from the Department.

TSD Facilities: Every facility owner or operator who intends to treat, store or dispose of hazardous waste must apply to the Department for an EPA Identification Number.

APPLICATION PROCESS

1) The applicant obtains EPA Form 8700-12 (Notification of Regulated Waste Activity) from the Department.

2) A completed application is submitted to the Department.

3) After review, the application is processed at the Department whereby a permanent EPA identification number is issued. A copy of the application is forwarded to EPA Region III for quality assurance and quality control (example ID#MDR000000000). Acknowledgement of the notification is mailed to the applicant.

STANDARD TURNAROUND TIME

30 days

TERM OF IDENTIFICATION NUMBER

The EPA Identification number stays with the site for the life of the facility.

FEE

None

DEPARTMENT CONTACTS

Harold L. Dye, Jr.
Hazardous Waste Program
(410) 537-3344

2.15 CONTROLLED HAZARDOUS SUBSTANCESHAULER, VEHICLE AND DRIVER CERTIFICATION

PURPOSE

To ensure the safe transport of hazardous wastes within the State, the Department regulates the movements of controlled hazardous substances (CHS) by certifying CHS haulers, vehicles and drivers and by requiring manifests for the tracking of hazardous waste.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle C.

STATE: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland; COMAR 26.13.04.

REQUIREMENTS

PRE-APPROVAL: Applications must include:

- 1) Vehicle Inspection Certificates from a licensed inspection station approved by the Department of Motor Vehicles or other State agency;
- 2) Proof of liability insurance;
- 3) List of customer database which identifies types of generators;
- 4) List of TSD facilities where approval has been received;
- 5) List of any environmental violations;
- 6) Hazardous waste tracking form; and
- 7) Motor carrier safety endorsement (MCS-90).

APPLICATION PROCESS

- 1) Applicant submits a CHS hauler application and a CHS vehicle application for

each vehicle with the required documents and the payment of the fee. Drivers domiciled in Maryland must submit an application for driver certification.

2) The Department reviews the application and issues or denies the certificate.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

Haulers/vehicles: January 1 - December 31

Drivers: 12-month period

FEE

\$50 annually for each vehicle (January 1 - December 31)

\$20 annually for domiciled drivers (12 month period)

DEPARTMENT CONTACTS

Harold L. Dye Jr.
Hazardous Waste Program
(410) 537-3344

2.16 SPECIAL MEDICAL WASTE HAULER AND VEHICLE CERTIFICATION

PURPOSE

To ensure the safe transport of medical wastes within Maryland, the Department regulates the movements of medical wastes by certifying haulers and vehicles.

AUTHORITY

STATE: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland;
COMAR 26.13.13.

REQUIREMENTS

PRE-APPROVAL: Applications must include:

- 1) Vehicle Inspection Certificates from a licensed inspection station approved by the Maryland Department of Motor Vehicles or other State agency; for out of state companies, a copy of the vehicle registration will be acceptable;
- 2) Proof of liability insurance;
- 3) List of customers database which identifies type of generators;
- 4) List of treatment, storage, disposal (TSD) facilities where approval has been received;
- 5) List of any environmental violations;
- 6) Hazardous waste tracking form; and
- 7) \$10,000 bond or letter of credit.

ADDITIONAL INFORMATION

Special medical waste (SMW) manifest requirements are being removed through the regulation change process.

APPLICATION PROCESS

1) Applicant submits a SMW hauler application, a SMW vehicle application for each vehicle with supporting documents and the fee.

2) The Department reviews the application and issues or denies the certificate.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

12 month period

FEE

\$50 annually for each vehicle (12 month period)

DEPARTMENT CONTACTS

Harold L. Dye Jr.
Hazardous Waste Program
(410) 537-3344

2.17 LEAD PAINT ACCREDITATIONS

PURPOSE

If not detected early, children with high levels of lead in their bodies can suffer from hyperactivity, slowed growth, damage to their brain and nervous system, hearing problems and headaches.

The purpose of this program is to oversee lead poisoning prevention activities to

reduce the incidence of childhood lead poisoning. One of the activities include the oversight of lead paint abatement work. This work includes any activity which eliminates or reduces lead paint hazards, including paint removal, replacement of components, encapsulation, repainting or inspection. Examples of people who provide lead paint services include contractors, workers, supervisors and inspectors.

AUTHORITY

STATE: Environment Article - Title 6, Subtitle 10, Annotated Code of Maryland; COMAR 26.16.01.

REQUIREMENTS

Lead paint abatement workers include painters, carpenters and other trades qualified to work on residential, public, and commercial lead paint jobs; and structural steel workers who are qualified to remove lead paint from steel structures and superstructures such as bridges and water storage tanks. Abatement workers must be **trained**, but do not apply for the accreditation.

Lead paint contractors include those who work on residential, public and commercial buildings as well as the maintenance work required in rental housing; structural steel projects, such as bridges, water tanks, and industrial structures; and conduct lead paint inspections. Contractors must be **trained and accredited** through the Department.

Lead paint supervisors include maintenance and repainting supervisors; lead paint removal and demolition supervisors; and structural steel supervisors who oversee lead paint activities on steel bridges, water tanks, and industrial structures. Supervisors must be **trained and accredited** through the Department.

Lead paint inspectors include technicians approved to use lead paint detection equipment and to sample paint and dust for laboratory analysis; lead paint visual inspectors to conduct inspection of rental housing; and lead paint risk assessors who interpret information and provide advice regarding possible sources of lead exposure. Inspectors must be **trained and accredited** through the Department.

APPLICATION PROCESS

- 1) Submit application form, specifying type of accreditation desired.
- 2) Include application fee, payable to the Lead Accreditation Fund, to:

Maryland Department of the Environment
P.O. Box 1417
Baltimore, Maryland 21203-1417

- 3) Include supporting documentation, verification of work experience and successful completion of the appropriate training courses which have been accredited by the Department. For a list of accredited lead paint abatement training providers, contact the Lead Program at (410) 537-3820.

STANDARD TURNAROUND TIME

30 days

TERM OF ACCREDITATION

2 years

FEE

Application fees range from \$100 to \$200 based upon the type of contractor and service. See COMAR 26.16.02.22 for the specific fee schedule. Renewal fees are the same as the application fee.

DEPARTMENT CONTACTS

Rebecca Fahey
Lead Accreditation & Oversight Division
(410) 537-3820

2.18 LEAD PAINT TRAINING COURSE AND INSTRUCTOR APPROVALS

PURPOSE

Providers of training for persons involved in the abatement of lead paint must employ instructors and conduct training courses that are accredited by the Department.

Training courses for workers, supervisors, inspectors and risk assessors who provide lead paint abatement services or are involved with lead paint abatement in Maryland are designed to instruct those individuals of the potential toxic effects of exposure to lead and to provide methods to protect workers and sensitive populations from exposure to lead during abatement activities.

The primary hazard addressed in the training courses is exposure to lead from old painted surfaces containing lead in the paint. This exposure may contribute to childhood hyperactivity, slowed growth and damage to a child's brain or nervous system.

AUTHORITY

STATE: Environment Article - Title 6, Subtitle 10, Annotated Code of Maryland;
COMAR 26.16.01.

REQUIREMENTS

Lead paint course instructors are accredited by the Department after successfully completing specified training courses at least equivalent to the course which the applicant intends to teach; successfully passing an examination administered by the Department which covers essential technical and regulatory knowledge; and demonstrating relevant work experience in conducting lead paint abatement activities.

An instructor for lead paint inspector technician courses must be an accredited inspector with a minimum of 6 months experience in lead paint inspection.

Lead paint training courses are accredited by the Department based on the submission of a satisfactory curriculum, the use of accredited instructors, and the completion of a successful on-site audit by the Department.

APPLICATION PROCESS

Lead paint course instructor:

- 1) Successfully complete an accredited course in the category which you intend to teach.
- 2) Submit a completed application form MDE-320 for courses you are qualified to teach.
- 3) Submit documentation including on-site experience with relevant lead abatement projects.
- 4) Pass an examination administered by the Department with at least 90%.

Lead paint training course:

- 1) Submit a completed application form MDE-319 for each training course to be accredited.
- 2) Include a curriculum detailing: learning objectives; course outline; time allocated for specific topics; description of learning activities, teaching materials, training facility; and plans for administering examination, issuing ID cards and reporting to the Department.
- 3) Include the qualifications of course instructor and expert instructor; and include the name of the designated primary instructor and each accredited instructor.
- 4) Mail application package to:

Coordinator, Accreditation and Training
Environmental Lead Division
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, Maryland 21230

5) The Department will review the package, discuss any deficiencies and/or schedule an on-site audit of a training class.

6) At the completion of a successful on-site audit, the Department will issue the approval.

STANDARD TURNAROUND TIME

30 days for instructor approvals

60 days for training course approvals

TERM OF APPROVAL

12 months

FEE

None

DEPARTMENT CONTACTS

Rebecca Fahey
Lead Accreditation & Oversight Division
(410) 537-3820

2.19 VOLUNTARY CLEANUP PROGRAM

PURPOSE

The Voluntary Cleanup Program streamlines and provides certainty in the process for cleaning up eligible properties contaminated, or perceived to be contaminated, by hazardous waste. The program also provides liability limitations to certain responsible persons and future owners of eligible properties. The liability limitations provided to future owners are broader and are designed to encourage new investment in properties.

A companion program, the Brownfields Revitalization Incentive Program administered by the Maryland Department of Business and Economic Development, may provide financial incentives to certain sites in the Voluntary Cleanup Program or those that are contaminated by oil.

AUTHORITY

STATE: Environment Article, Title 7, Subtitle 5; Article 83A, Sections 3-901 through 3-905; and Tax-Property Article, Sections 9-229 and 14-902.

REQUIREMENTS

PRE-APPROVAL: Applicants must conduct a Phase I and Phase II site assessment that identifies all areas and potential areas of contamination on the property and provide the assessments to the Department. All environmental information known to the applicant about the property, a completed application and the application fee must be submitted.

APPLICATION PROCESS

- 1) File a complete application package.
- 2) Within 60 days, the Department will notify the applicant whether the site meets the eligibility requirements and is accepted. If accepted, the Department will

determine the applicant's status as a responsible person or inculpable person. A responsible person includes the current property owner and an inculpable person is a potential future owner of the property.

3) At this time, the Department may also make a determination of "no further requirements" at the site.

4) If required, the participant then submits a response action plan to the Department for approval. The plan must include detailed steps to clean up the property.

5) A performance bond or other security must be filed with the Department within 10 days of receiving Department approval of a response action plan.

6) After the response action plan has been satisfactorily completed, the Department will issue a Certificate of Completion.

Participants may withdraw from the program at any time if the site is stabilized and secured and the participant provides 10 days prior notice to the Department.

STANDARD TURNAROUND TIME

60 days to determine if the application is accepted

4 months to review the response action plan

TERM OF APPROVAL

One time approval

FEE

\$6000

The fee is for the review of the application and direct oversight costs. If the Department's costs are less than \$6000, the balance is refunded. If the costs exceed \$6000, the participant must reimburse the Department for the additional costs.

DEPARTMENT CONTACT

Jim Metz

Voluntary Cleanup/Brownfields Division

(410) 537-3493

WATER MANAGEMENT ADMINISTRATION

The mission of the Department's Water Management Administration (WMA) is to restore and maintain the quality of the State's ground and surface waters; and to plan for and supervise the development and conservation of the State's waters. WMA manages a broad range of activities, including regulating and financing municipal wastewater treatment systems, regulating the use and development of the State's water resources, public water supplies and on-site residential sanitation systems; regulating well-drilling and industrial pretreatment; providing technical assistance for water and wastewater utilities; financing small creek and estuary restoration; approving erosion/sediment control and storm water management plans; storm water permitting; dam permitting and inspection; protection and management of tidal and nontidal wetlands and waters; and regulating mining activities and mitigation problems associated with abandoned mines. These protection, financing and regulatory activities help WMA ensure that State waters are safe for drinking, recreation and wildlife.

PROGRAMS ADMINISTERED BY THE WMA ARE:

- Office of Administrative Services
- Water Quality Infrastructure Program
- Nonpoint Source Program
- Water/Wastewater Permits Program
- Wetlands & Waterways Program
- Compliance Program
- Mining Program
- Water Supply Program

THESE PROGRAMS ARE DESIGNED TO:

Create a focal point for outreach and assistance activities that can address cross-functional issues involving water regulatory programs.

Manage water, wastewater, and nonpoint source pollution control capital projects that are funded through grants and loans from the Department.

Permit and provide construction inspection for water and sewerage facilities.

Develop and implement the new federally mandated storm water permitting program.

Issue erosion/sediment control and storm water management plan approvals for state and federal construction projects.

Inspect dams for safety, issue new permits, and approve downstream warning plans for high hazard dams.

Issue water appropriation permits for use of surface and ground waters.

Issue permits for discharges to surface and ground water from both industrial and municipal facilities as required by the federal Clean Water Act.

Oversee programs delegated by the Department to local health departments. Activities include MDE's regional consultants who provide technical assistance to local health departments for on-site water and wastewater systems, and assistance in developing and testing new innovative or alternative septic system designs.

Regulate activities conducted in nontidal wetlands and their buffers, and nontidal waterways, including the 100-year floodplain. Also, regulates activities conducted in tidal wetlands.

Create, restore and enhance nontidal wetlands and streams, provide training and technical assistance and assist in the development of watershed management plans.

Inspect industrial and municipal wastewater discharges, coal and surface mining operations, agricultural sites, and construction activities involving sediment control, storm water management, wetlands and waterways.

Regulate active mines and mitigate environmental problems associated with abandoned mines. Also, regulate oil and gas exploration, production and storage.

Ensure safe drinking water in Maryland by administering the federal Safe Drinking Water Act, developing the State's comprehensive ground water protection program, and responding to local water supply emergencies. Conduct performance evaluations of surface water filtration plants to assist systems in optimizing treatment and reducing the risk of passing *Cryptosporidium* (a protozoan parasite that can infect humans) into the finished water.

Train public water and wastewater treatment operators and provide on-site technical assistance to support the State's operator certification program and achieve compliance and pollution prevention goals.

Finance storm water management practices and small creek and estuary restoration projects.

The Environmental Boards are comprised of three State licensing boards, established by the General Assembly. Also located within the Water Management

Administration, the Boards were created to license and certify individuals as:

- Environmental Sanitarians;
- Superintendents and operators of waterworks, wastewater works, industrial wastewater works, wastewater collection systems and waste water distribution systems; and
- Well drillers, water conditioner and water pump installers.

The Environmental Boards screen applicants wanting to enter the professions, administer competency examinations, evaluate continuing education as a prerequisite for license renewal, and take disciplinary action against those licensees found guilty of violating the law.

3.01 SURFACE WATER DISCHARGE PERMIT (Industrial)

PURPOSE

The industrial surface water discharge permit is a combined state and federal permit under the National Pollutant Discharge Elimination System (NPDES). This permit is issued for industrial facilities that discharge to State surface waters. The permit is designed to meet federal effluent guidelines when applicable and also ensure the discharge satisfies State water quality standards.

All industrial, commercial or institutional facilities that discharge wastewater (or storm water from certain facilities) to surface waters of Maryland need this permit. Alternatively, an industrial discharge to the municipal wastewater collection system may require a pretreatment permit. Many facilities requiring discharge permits are eligible for coverage under a General Discharge Permit (see Section 3.02).

AUTHORITY

FEDERAL: Federal Clean Water Act.

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04 and COMAR 26.08.08.

REQUIREMENTS

POST-APPROVAL: Must meet all effluent limits, monitoring requirements and other permit conditions.

LOCAL AND OTHER APPROVALS

PRETREATMENT PERMIT: A separate pretreatment permit is required for those facilities that seek to discharge to municipal wastewater treatment systems. The pretreatment permit is issued locally from the municipal wastewater treatment utility as long as they have an approved program, otherwise the pretreatment permit is issued by the Department. If a facility is defined as a significant industrial user by 40 CFR 403, the Department issues the pretreatment permit, which includes the state and federal requirements, in coordination with the local municipality. As part of its permit streamlining efforts, the Department delegated the authority to many local municipalities to issue pretreatment permits for significant industrial users.

APPLICATION PROCESS

- 1) Submit a completed application to the Department. To request a form, call (410) 537-3323 or download the form from our web site, <http://www/mde.state.md.us>.
- 2) The Department publishes notice of the application and provides an opportunity for an informational meeting.
- 3) The Department develops permit limits.
- 4) The Department publishes a notice of tentative determination and conducts a public hearing, if requested.

- 5) The Department issues the permit if adverse comments are not received.
- 6) If adverse comments are received, the Department prepares a final determination and publishes additional notice providing 15 days to request a contested case hearing.
- 7) The Department issues the permit if the final determination is not contested.
- 8) If contested, administrative procedures for the appeal process are followed.

STANDARD TURNAROUND TIME

New minor facilities - 9 months

New major facilities - 12 months

Renewal minor facilities - 14 months

Renewal major facilities - 16 months

TERM OF PERMIT

Maximum of five years

FEE

Application fee: \$50 to \$20,000 depending on the volume of discharge, the type of industry, and how the water is used.

Annual permit fee: \$100 to \$5,000 depending on the volume of the discharge.

ADDITIONAL INFORMATION

In addition to the surface water discharge permit, the company may need one or more of the following permits:

Air quality permits (see sections 1.01 through 1.05);
State refuse disposal permit (see section 2.01);
Oil operations permit (see section 2.06);
Hazardous waste permits (see sections 2.13 and 2.14);
Water appropriation and use permit (see section 3.07);
Wetland permits (see sections 3.16 through 3.18);
Erosion/sediment control plan approval (see section 3.19); or
General permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

Ed Stone
Industrial Discharge Permits Division
(410) 537-3323

3.02 INDUSTRIAL WASTEWATER/STORMWATER GENERAL DISCHARGE PERMITS

PURPOSE

The general permits for industrial wastewater discharge increase the efficiency of the Department's permitting process through the issuance of generic permits to categories of business activities which are generally very similar in their wastewater characteristics. General permits with standardized permit conditions have been established for:

- *Stormwater associated with industrial activities*
- *Surface coal mines*
- *Mineral mines, quarries, borrow pits, ready-mix concrete and asphalt plants*

- *Seafood processors*
- *Hydrostatic testing of tanks and pipelines*
- *Marinas*
- *Concentrated animal feeding operations*

AUTHORITY

FEDERAL: Federal Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04.

REQUIREMENTS

To obtain coverage under a general permit, all requirements listed in the general permit package must be met.

APPLICATION PROCESS

1) Complete a Notice of Intent (NOI) form and include a facility map, if required. To request a form, call (410) 537-3323 or download the form from our Web site: <http://www.mde.state.md.us>.

2) Mail the completed form and payment to:

MDE/WATER
P.O. Box 2057
Baltimore MD 21203-2057

3) The Department reviews the submitted NOI to ensure that the proposed discharge can be covered by a general permit.

4) The Department will notify the applicant in writing of coverage under the general permit.

STANDARD TURNAROUND TIME

Concentrated animal feeding operations - 150 days

All other general permits - 60 days

TERM OF GENERAL PERMIT

Maximum of five years

FEE

Application fee: \$0 to \$20,000 depending on the volume of discharge, the type of industry, and how the water is used.

Annual permit fee: \$0 to \$5,000 depending on the volume of discharge.

DEPARTMENT CONTACTS

Patsy Allen or Ed Gertler
Industrial Discharge Permits Division
(410) 537-3323

3.03 SURFACE WATER DISCHARGE PERMIT (Municipal)

PURPOSE

The municipal surface water discharge permit is a combined state and federal permit under the National Pollutant Discharge Elimination System (NPDES). This permit is issued for sewage treatment plants and some water treatment plants that discharge to State surface waters. The permit is designed to protect the quality of

the body of water receiving the discharge.

Anyone who discharges wastewater to surface waters needs a surface water discharge permit. Applicants include municipalities, counties, schools and commercial water and wastewater treatment plants, as well as treatment systems for private residences that discharge to surface waters.

AUTHORITY

FEDERAL: Federal Clean Water Act.

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04.

REQUIREMENTS

PRE-APPROVAL: Individual residences are exempted from this pre-approval requirement.

POST-APPROVAL: Must meet all effluent limits, monitoring requirements, and other permit conditions.

LOCAL APPROVALS

Except for private residences, the proposal must be included in county water and sewer plans.

APPLICATION PROCESS

- 1) Submit a completed application form.
- 2) The Department publishes notice of the application and provides an opportunity for an informational meeting.
- 3) The Department checks that the project is in the county water and sewer plan.

- 4) The Department develops permit limits.
- 5) The Department publishes a notice of tentative determination and conducts a public hearing, if requested.
- 6) The Department issues the permit if adverse comments are not received.
- 7) If adverse comments are received, the Department prepares a final determination and publishes an additional notice providing 15 days for citizens to request a contested case hearing.
- 8) The Department issues the permit if the final determination is not contested.
- 9) If contested, administrative procedure for the appeal process is followed.

STANDARD TURNAROUND TIME

New minor facilities - 9 months

New major facilities - 12 months

Renewal minor facilities - 14 months

Renewal major facilities - 16 months

TERM OF PERMIT

Maximum of five years

FEE

None

OTHER APPROVALS

The following permit may also be required:

Air quality permits (see sections 1.01 through 1.05);
Water and sewerage construction permit (see section 3.06);
Water appropriation and use permit (see section 3.07);
Wetland permits (see sections 3.16 through 3.18);
Erosion/sediment control plan approval (see section 3.19); or
General permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

Stephen Luckman
Municipal Discharge Permits Division
(410) 537-3671

3.04 GROUND WATER DISCHARGE PERMIT (Municipal or Industrial)

PURPOSE

Groundwater Discharge Permits control the disposal of treated municipal or industrial wastewater into the State's groundwater via spray irrigation or other land-treatment applications. A groundwater discharge permit will contain the limitations and requirements deemed necessary to protect public health and minimize groundwater pollution. Some industrial facilities requiring discharge permits are eligible for coverage under a General Discharge Permit (see Section 3.02).

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04 and 26.08.07.

REQUIREMENTS

Pre-application review:

- 1) Favorable results from a preliminary site evaluation by the Department;
- 2) Municipal projects must be identified in a current county water and sewerage plan; and
- 3) Depending on the size of the projects, a copy of a hydrogeological study of the proposed site submitted to the Department for review and approval.

LOCAL APPROVALS

Proposed municipal projects must be included in county water and sewer plans before the Department can process a permit. Locally issued permits for activities such as building and sediment control may be needed for these projects but are not required for the Department to process a groundwater discharge permit.

APPLICATION PROCESS

- 1) The Department performs a preliminary site evaluation.
- 2) The applicant performs a hydrogeological study.
- 3) The applicant submits a complete permit application.
- 4) The Department publishes notice of permit application and provides an opportunity for an informational meeting.
- 5) The Department holds an information meeting, if requested.
- 6) The Department reviews and approves the hydrogeological report.
- 7) The Department drafts the permit and issues a notice of tentative determination.

- 8) The Department holds a public hearing, if requested.
- 9) The Department prepares the final determination with additional public notice, if any adverse comments are received at public hearing.
- 10) The Department issues the permit if the final determination is not contested.
- 11) If contested, administrative procedures for the appeal process are followed.

STANDARD TURNAROUND TIME

New minor facilities - 9 months

New major facilities - 12 months

Renewal minor facilities - 14 months

Renewal major facilities - 16 months

TERM OF PERMIT

Maximum of five years

FEE

Application fee (for industrial): \$50 to \$20,000 depending on the volume of discharge, the type of industry, and how the water is used.

Annual permit fee (for industrial): \$100 to \$5,000 depending on the volume of the discharge.

Municipal permits: None

OTHER APPROVALS

The following approvals may also be required in addition to the groundwater discharge permit:

- Air quality permits (see sections 1.01 through 1.05);
- Oil operations permit (see section 2.06);
- Water and sewerage construction permit (see section 3.06);
- Water appropriation and use permit (see section 3.07);
- Well construction permit (see section 3.14);
- Wetland permits (see sections 3.16 through 3.18);
- Erosion/sediment control plan approval (see section 3.19); or
- General permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

Patsy A. Allen
Wastewater Permits Program
(410) 537-3625

3.05 TOXIC MATERIALS PERMIT

PURPOSE

This permit is required for any homeowner, farmer, local government, or other person who wants to control aquatic life in ponds, ditches or waterways by the deliberate use of toxic chemicals (e.g., mosquito control, algae removal).

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.03.02.

REQUIREMENTS

The proposed product and method of application must be approved by the

Department. The permit will also include a schedule for applying the product.

OTHER APPROVALS

Commercial and public agency applicators of pesticides will also need a license from the Maryland Department of Agriculture.

APPLICATION PROCESS

- 1) Submit a completed application.
- 2) The Department reviews, and issues or denies the application. Although public participation is not required for this permit, the Department recommends that the applicant keep the public informed.

STANDARD TURNAROUND TIME

45 days

TERM OF PERMIT

Maximum of five years

FEE

None

ADDITIONAL INFORMATION

In case of an emergency, a limited permit for certain chemicals can be obtained from the local soil conservation district office in one to three days.

DEPARTMENT CONTACT

Edward Gertler
Industrial Discharge Permits Division
(410) 537-3323

3.06 WATER AND SEWERAGE CONSTRUCTION PERMIT

PURPOSE

The purpose of water and sewerage construction permit is to ensure that infrastructure projects throughout the State are designed on sound engineering principles and comply with State design guidelines to protect water quality and public health. Water and sewerage construction permits are required before installing, extending or modifying community water supply and/or sewerage systems including treatment plants, pumping stations and major water mains and sanitary sewers. These permits ensure conformity with local water and wastewater comprehensive plans and ensure that there is adequate funding for long-term operation.

A major water supply system, including structures and equipment, treats raw water and distributes potable water to serve 25 or more of the same persons on a day-to-day basis at least six months out of a year, or to serve 15 or more residential connections.

A major sewerage system, including structures and equipment, collects, conveys and treats waste waters generated from domestic, industrial, and commercial establishments.

The following major water and sewerage facilities need construction permits:

Major water facilities:

- Water mains (diameter >15")

- Pumping or booster station
- Elevated tank or storage tank
- Water treatment facilities
- Utilization of well water for public water supply

Major sewerage facilities:

- Gravity sewers (diameter >15")
- Pumping station
- Force mains
- Wastewater treatment facilities
- Community or multiuse septic tank system in which a pumping station and a force main are included.

The following minor water and sewerage facilities do not need water/sewerage construction permits:

- Gravity sewers or water mains with diameter 15" or smaller
- Pumping stations with average daily flow 5,000 gpd or less
- Installation of minor items such as a meter, valve or hydrant
- Replacing equipment with new equipment of equal capacity
- Well construction (drilling)
- Construction of conventional septic tank or mound system
- Construction of facilities unrelated to water/wastewater conveyance or treatment at a water/wastewater treatment plant

AUTHORITY

STATE: Environment Article, Title 9; COMAR 26.03.12.

REQUIREMENTS

PRE-APPROVAL: Applicants must show that the proposed facility is included in the current county water and sewerage comprehensive plans, and certify that the proposed facility will be operated either publicly or privately under a sound financial management plan.

POST-APPROVAL: The project must be constructed in accordance with the approved plans and specifications.

LOCAL APPROVALS

A building permit and septic system construction permit may be needed for the project, contact the county government.

APPLICATION PROCESS

- 1) Submit plans and/or specifications with the permit application.
- 2) The Department acknowledges receipt of plans and/or specifications, determines the permit fee, and assigns a permit number.
- 3) The Department verifies that the project is within the service area of the current county water and sewerage comprehensive plans, and reviews/approves the financial management plan (if applicable) for the project.
- 4) The Department reviews the specifications for conformity with State design guidelines and COMAR 26.03.12. After engineering comments are addressed, the Department issues the permit.

STANDARD TURNAROUND TIME

3 months

TERM OF PERMIT

One time permit, assuming no changes to the equipment.

FEE

None for projects that qualify for a government waiver as municipal permits.

Privately financed water and sewerage capital projects are charged the following fees (COMAR 26.03.12.):

- Water mains and gravity sewers/force mains: \$125 to \$1800 depending on the length of the mains.
- Water and wastewater pumping stations: \$400 to \$1400 depending on the design capacity.
- Water treatment plants: \$250 to \$2000 depending on the design capacity and the number of treatment processes.
- Wastewater treatment plants: \$450 to \$2000 depending on the design capacity and the number of treatment processes.

OTHER APPROVALS

The following permits may be needed:

Air quality permits (see sections 1.01 through 1.05);
Sludge utilization permits (see section 2.03);
Municipal discharge permits (see sections 3.03 and 3.04);
Water appropriation and use permit (see section 3.07);
Well construction permit (see section 3.14);
Wetlands permits (see sections 3.16 through 3.18);
Erosion/sediment control approval (see section 3.19);
General permit for construction activity (see section 3.21); or
State Highway Administration's permit for construction of water mains/sewers near highways.

DEPARTMENT CONTACT

Dr. Ta-Shon Yu
Water Quality Infrastructure Program

(410) 537-3758

3.07 WATER APPROPRIATION AND USE PERMIT

PURPOSE

In order to conserve, protect and use water resources of the State in the best interests of the people of Maryland, it is necessary to control the appropriation or use of surface and underground waters.

This permit is required for any activity that withdraws water from the State's surface and/or underground waters unless exempted below.

AUTHORITY

STATE: Environment Article, Title 5, §5-203 and §5-501 through §5-514, Annotated Code of Maryland; COMAR 26.17.06.

REQUIREMENTS

EXEMPTION: Uses exempt from the water appropriation and use permit process are:

- 1) Extinguishing a fire;
- 2) Agricultural use under 10,000 gallons/day;
- 3) Individual domestic use except withdrawals for heating and cooling;
- 4) Temporary dewatering during construction if:

- a) The duration of the dewatering including intermittent non-pumping periods is expected to be less than 30 days; and
- b) The average water use does not exceed 10,000 gallons/day.

5) Residential subdivisions of ten or fewer lots if:

- a) Water is obtained from individual wells located on each lot;
- b) For properties west of the Fall Line only, the average lot size is not less than 1 acre; and
- c) The subdivision is not located in a water management strategy area.

APPROVALS

PRE-APPROVAL: An applicant must provide satisfactory proof that the proposed withdrawal of water is reasonable and the impacts on the water resource and other users are acceptable. In addition, the proposed use must be consistent with the local planning and zoning requirements and the county water and sewer plan.

POST APPROVAL: The project must meet withdrawal limits and may be required to meet periodic reporting, environmental and other requirements specific to the permit.

OTHER APPROVALS

The following state and local permits may also be required:

- County planning and zoning approval;
- County water and sewer plan approval;
- Well construction permit (see section 3.14);
- Waterway construction permit (see section 3.17 and 3.18);or
- Wetlands permit (see sections 3.16 through 3.18).

APPLICATION PROCESS

- 1) Obtain local land use zoning approvals and check for consistency with county water and sewer plan.
- 2) Submit application for technical review and include:
 - a. Map or subdivision plat, project location and service area or structure;
 - b. Explanation of water use;
 - c. Average daily use calculated on an annual basis;
 - d. For groundwater withdrawal, average daily use during the month of highest use; and
 - e. For surface water, maximum daily use.
- 3) Submit plans and specifications for any facility or structure or conduct and submit special evaluations as requested.
- 4) A site inspection may be performed by the Department to obtain additional information.
- 5) Appropriation requests for an annual average withdrawal of more than 10,000 gallons/day must include certified notification of contiguous property owners and certification of compliance with Business Occupations and Professions, Article 12, §205, Annotated Code of Maryland.
- 6) Requests for an annual average withdrawal of more than 10,000 gallons/day are advertised for a public information hearing.

STANDARD TURNAROUND TIME

60 days: under 10,000 gallons per day

12 months: 10,000 gallons per day or more

TERM OF PERMIT

Maximum of twelve years

FEE

None

ADDITIONAL INFORMATION

The approved withdrawal must begin within two years of approval. Permits are subject to a review every three years and are not transferable to new ownership.

DEPARTMENT CONTACT

Matthew Pajerowski
Water Supply Program
(410) 537-3591

3.08 COAL MINING PERMIT

PURPOSE

Coal is an important natural resource for Maryland and the economy of Maryland's only coal producing counties - Allegany and Garrett.

Because of the potential environmental problems associated with the mining of coal, Maryland requires a permit prior to the start of any mining operation. Permits are required for surface coal mining, deep coal mining, prospecting, preparation plants, loading facilities and refuse reclamation operations.

AUTHORITY

FEDERAL: Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)

STATE: Environment Article, Title 15, Subtitle 5 and Subtitle 6; COMAR 26.20.

REQUIREMENTS

PRE-APPROVAL: All other related permits must be obtained prior to the issuance of a coal mining permit. A performance bond is required to ensure the proper reclamation of the property.

LOCAL APPROVALS

Local approvals must be obtained from local planning and zoning authorities, soil conservation districts, and county road departments. This may also include a county grading permit.

APPLICATION PROCESS

1) Submit 8 copies of an application for distribution to federal and state agencies for review and comment to:

Department of the Environment
Bureau of Mines
160 South Water Street
Frostburg Maryland 21532

2) Upon substantial completion of an application, the applicant shall publish notice for at least 1 business day in a newspaper of general circulation in the area where the proposed activity would occur. This notice will explain where to submit comments, how to request a public informational hearing, or how to get on the interested persons mailing list.

3) A detailed review of the application is conducted by the Department. Once the application is determined to be in compliance with the regulatory program, a public informational hearing is held, if requested.

) The permit will be issued or denied following the public hearing, or in the absence of a public hearing, upon final review and resolution of any outstanding issues, and submittal of the required performance bond.

STANDARD TURNAROUND TIME

12 months

TERM OF PERMIT

Maximum of five years

FEE

Surface coal mining permit fee: \$10

Special reclamation fee: \$75 for each acre to be affected

Deep coal mining permit fee: \$200

OTHER APPROVALS

Approval must be obtained from the Maryland Land Reclamation Committee for the reclamation plan in the application. For more information, contact Fred Bagley at (301) 689-6104.

In addition to the coal mining permit, the following permits may be required:

- Industrial discharge permits (see section 3.01, 3.02 and 3.04);
- Water appropriation and use permit (see section 3.07);
- Surface coal mining blaster certification (see section 3.09);

Coal mining operator license (see section 3.10);
Wetlands permits (see sections 3.16 through 3.18);
Erosion/sediment control approval (see section 3.19);
General permit for construction activity (see section 3.21); or
Air quality permits (see sections 1.01 through 1.05).

DEPARTMENT CONTACTS

John E. Carey or Stephen M. Layton
Mining Program
Bureau of Mines
(301) 689-6104

3.09 SURFACE COAL MINING BLASTER CERTIFICATION

PURPOSE

Blasting on surface coal mining operations is required to be conducted under the direction of a person who has been certified as a blaster by the Mining Program. The blaster is the person who is directly responsible for the use of explosives on surface coal mining operations. The blaster must be familiar with the blasting plan and site specific performance standards for the mining operation.

AUTHORITY

FEDERAL: Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)

STATE: Environment Article, Title 15, Subtitle 5 and 6; COMAR 26.20.22.08.

REQUIREMENTS

Persons applying to become certified blasters shall:

- a) Be at least 21 years of age;
- b) Have received at least one year of qualifying experience under the direction and supervision of a certified blaster in the handling and use of explosives; and
- c) Receive training including, but not limited to, the technical aspects of blasting operations; and state and federal laws concerning the storage, transportation and use of explosives.

APPLICATION PROCESS

- 1) The Department shall examine candidates for the blaster certification who meet the qualifications for certification, including a training course issued by the Department, or have received training and certification as a blaster in a state with a federally approved blaster certification program.
- 2) Upon passing the examination, a candidate for blaster certification is issued a certificate indicating that they are a certified blaster for a period of three years.
- 3) An applicant for recertification shall be currently certified and must submit proof that they have had at least one year of blasting experience in the last three years.

STANDARD TURNAROUND TIME

Once the applicant passes the exam, a certification card is mailed.

TERM OF CERTIFICATION

Three years

FEE

None for the certification

There is a minimal charge for the training course

ADDITIONAL INFORMATION

The certification of a blaster may be suspended or revoked by the Department in accordance with COMAR 26.20.22.08G for any of the following reasons:

- Noncompliance with any order of the Department
- Unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs
- Violation of any provision of the State or federal explosives laws or regulations
- Providing false information or a misrepresentation to obtain certification
- Refusal to exhibit his or her certificate to any authorized representative of the Department

DEPARTMENT CONTACTS

John E. Carey or Stephen M. Layton
Mining Program
Bureau of Mines
(301) 689-6104

3.10 COAL MINING OPERATOR LICENSE

PURPOSE

Maryland requires that anyone responsible for a coal mining operation obtain a mining operator license from the Department.

The purpose of the license is to ensure that coal mining operations meet the Department's environmental standards, have proper credentials, have acceptable track records in Maryland and elsewhere, and meet financial accountability requirements.

AUTHORITY

FEDERAL: Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)

STATE: Environment Article, Title 15, Subtitle 5 and 6; Sections 15-504 and 15-605.

REQUIREMENTS

The application shall include the following:

- a) Identify if application is for open pit or deep mine;
- b) Identify business structure for applicant, such as: corporation, partnership, association, individual, or other;
- c) If applicant is a corporation, indicate state in which incorporated, date of incorporation, name and address of resident agent; and
- d) Include verification that the business has been registered with the Maryland Department of Assessment and Taxation.

APPLICATION PROCESS

1) Submit the completed application to:

Department of the Environment
Bureau of Mines
160 South Water Street
Frostburg, MD 21532

2) The Department will review the application for completeness and verify that the applicant has not forfeited a bond in Maryland or in any other state.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

January 1 to December 31

FEE

Application fee: \$200

Renewal fee: \$10 annually

ADDITIONAL INFORMATION

The applicant will be denied a renewal if violations or corrective actions in Maryland or other states have not been corrected.

DEPARTMENT CONTACTS

John E. Carey or Stephen M. Layton
Mining Program
Bureau of Mines
(301)689-6104

3.11 NON-COAL MINING PERMIT

PURPOSE

Mining of non-coal minerals (sand, gravel, clay, limestone, granite, shale and dimension stone) is an essential activity making an important contribution to the economic well-being of the State. To minimize the effects of mining on the environment, provide proper land reclamation, and ensure public safety, a permit is required to conduct surface mining.

AUTHORITY

STATE: Environment Article - Title 15, Subtitle 8; COMAR 26.21.01.

REQUIREMENTS

PRE-APPROVAL: All other related permits must be obtained prior to issuance of a surface mining permit.

POST-APPROVAL: A performance bond of \$1,250 per acre is required. A final inspection will be made by the Department prior to bond release.

LOCAL APPROVALS

Local approvals must be obtained from local planning & zoning authorities, soil conservation districts and county/state road departments.

APPLICATION PROCESS

- 1) An application for a permit is filed with the Department. Two copies of the plans must be submitted with the application.
- 2) A detailed review is conducted by the Department including comments from other review agencies.
- 3) Once the application has been determined to be complete, an opportunity for a public hearing will be provided.
- 4) A decision on the application will be made within 30 days of the close of the record of the public hearing.

STANDARD TURNAROUND TIME

7 months

TERM OF PERMIT

Maximum of five years

FEE

Permit fee: \$12 per acre per year (\$1,000 maximum)

Special reclamation fee: \$30 per acre

Right of entry recording: \$22.50

OTHER APPROVALS

In addition to the Non-Coal Mining Permit, the following permits may be required:

- Industrial discharge permits (see section 3.01, 3.02 and 3.04);
- Surface mining license (see section 3.12);
- Wetlands permits (see sections 3.16 through 3.18);
- Erosion/sediment control approval (see section 3.19);
- General permit for construction activity (see section 3.21); or
- Air quality permits (see sections 1.01 through 1.05).

DEPARTMENT CONTACT

C. Edmon Larrimore
Mining Program
(410) 537-8055

3.12 SURFACE MINING LICENSE

PURPOSE

Maryland requires that anyone responsible for a surface mining operation obtain a license from the Department.

The purpose of the license is to ensure that non-coal mining operations meet the Department's environmental standards, have proper credentials, have acceptable track records in Maryland and elsewhere, and meet financial accountability requirements.

AUTHORITY

STATE: Environment Article, Title 15, Subtitle 8; COMAR 26.21.01.

REQUIREMENTS

The application shall include the following:

- a) Identify business structure for applicant, such as: corporation, partnership, or individual;
- b) If applicant is a corporation, indicate if the corporation is registered to do business in Maryland;
- c) Identify all partners, registered agents, principle officers, and/or directors; and
- d) Include information concerning outstanding violation, and bond forfeitures in any state.

APPLICATION PROCESS

- 1) Submit the completed application to:

Department of the Environment
Water Management Administration
Minerals, Oil & Gas Division
1800 Washington Blvd
Baltimore, Maryland 21230

2) The Department will review the application.

3) A decision on the application will be made within 30 days of receipt of a completed application.

STANDARD TURNAROUND TIME

30 days

TERM OF CERTIFICATION

January 1 to December 31

FEE

Application fee: \$300

Renewal fee: \$150 annually

OTHER APPROVALS

Department of Assessment and Taxation for corporations only.

DEPARTMENT CONTACT

C. Edmon Larrimore
Mining Program
(410) 537-8055

3.13 OIL AND GAS EXPLORATION AND PRODUCTION

PURPOSE

The exploration for and subsequent development of oil and gas resources is an important economic factor for the state of Maryland. While promoting the development of these resources, it is necessary to employ environmentally sound drilling and production methods to prevent detrimental impacts to the general welfare, health, safety and property interests of the citizens of Maryland.

Any person proposing to drill a well for oil or gas must submit a permit application to the Mining Program. The review process is to evaluate the technical adequacy of the project, ensure sufficient environmental controls are employed, and assure citizens that property and mineral interests are protected

AUTHORITY

STATE: Environment Article - Title 14, Subtitle 1, 2 and 3; COMAR 26.19.01 and .02.

REQUIREMENTS

PRE-APPROVAL: All other related approvals must be obtained prior to issuance of a gas/oil permit. A bond of up to \$100,000 is required prior to the issuance of a permit.

POST-APPROVAL: A final inspection will be made prior to bond release.

LOCAL APPROVALS

Local approvals from local planning & zoning authorities, soil conservation districts and county/state roads departments.

APPLICATION PROCESS

- 1) An application to drill and operate an oil and gas well or to conduct seismic operations must be submitted to the Department.
- 2) A detailed review of the application is conducted by the Department including comments from other review agencies.
- 3) Once the application has been determined to be complete, an opportunity for a public hearing will be provided.
- 4) A decision on the application will be made no later than 30 days of the close of the record of the public hearing.

STANDARD TURNAROUND TIME

5 months

TERM OF PERMIT

Maximum of five years

FEE

None

OTHER APPROVALS

The following permits may also be required:

Industrial discharge permits (see section 3.01, 3.02 and 3.04);
Wetlands permits (see sections 3.16 through 3.18);

Erosion/sediment control approval (see section 3.19);
General permit for construction activity (see section 3.21); or
Air quality permits (see sections 1.01 through 1.05).

DEPARTMENT CONTACT

C. Edmon Larrimore
Mining Program
(410) 537-8055

WATER MANAGEMENT ADMINISTRATION PERMITS

3.14 WELL CONSTRUCTION PERMIT

PURPOSE

To ensure a clean and adequate supply of underground drinking water, the State carries out programs to prevent contamination of aquifers from improper well construction and well abandonment.

A well construction permit is required before installing any well that will explore for water, obtain or monitor groundwater; or inject water into any underground formation from which groundwater may be produced.

The well construction permit is obtained by the well driller from the local health department.

AUTHORITY

STATE: Environment Article Title 9, Subtitle 13; COMAR 26.04.04.

REQUIREMENTS

PRE-APPROVAL: The site must be inspected before the permit is issued.

POST-APPROVAL: A certificate of potability, based upon the results of water quality sampling, must be issued by the local approving authority before the well can be placed in service as a potable supply.

LOCAL APPROVALS

County health departments generally issue these permits in coordination with the Department.

APPLICATION PROCESS

Contact the county health department for the application process.

STANDARD TURNAROUND TIME

30 days (This may vary depending on the local health department)

TERM OF PERMIT

Twelve months

FEE

\$40-\$80 per permit depending on the county

OTHER APPROVALS

The Department may require a water appropriation and use permit (see section 3.07). If the well is to be used on a dairy farm, the project must be approved by the Maryland Department of Health and Mental Hygiene. If the well is to be used for a public water supply, the Department will also require a water construction permit (see section 3.06).

DEPARTMENT CONTACT

Eric Dougherty or Denise Swatzbaugh
State Groundwater Permits Program
(410) 537-3784

3.15 DRINKING WATER SAMPLER CERTIFICATION

PURPOSE

This certification assures the reliability of the Safe Drinking Water Act compliance samples submitted to state certified laboratories. Performing the required sampling and testing of public water systems is the primary means of evaluating the safety of the drinking water supply.

The certification is primarily for laboratory personnel, municipal and private water system operators and superintendents, and county and state health department staff. Other individuals who request this certification collect samples for private companies that sample public drinking water systems, those involved in real estate transactions and some pest control companies.

AUTHORITY

FEDERAL: Safe Drinking Water Act; 40 Code of Federal Regulations 141.28

STATE: Environment Article, Title 9 subtitle 10; COMAR 26.08.05.

REQUIREMENTS

- High school education
- No experience required

APPLICATION PROCESS

1) An applicant registers to attend a certification class. For class scheduling and

registration at the Department, contact the Water Supply Program at (410) 537--3729. An annual calendar of classes scheduled throughout Maryland is available. Provide your name, company, phone number and previous certification number.

The following local county health departments also schedule classes: Allegany, Anne Arundel, Carroll, Cecil, Charles, Frederick, Kent, Montgomery, St. Mary's, Washington, Wicomico, and Worcester. For class registration, please contact the county health department.

2) At the end of the four hour certification class, an examination is given.

3) Upon passing the examination, the applicant is issued a certification card.

STANDARD TURNAROUND TIME

Same day

Certification cards will be distributed at the end of the class or mailed.

TERM OF CERTIFICATION

Maximum of three years

Those who have been certified within the past three years, are exempt from the practical exam. Those who do not pass the examination, are required to repeat the class. Staff in 12 counties are retrained annually to offer the certification.

FEE

None

Some county health departments charge a fee for the certification class.

ADDITIONAL INFORMATION

An annual calendar of classes scheduled throughout Maryland is updated quarterly.

DEPARTMENT CONTACT

Shantini Senanayake
Water Supply Program
(410) 537-3729

3.16 TIDAL WETLAND LICENSES AND PERMITS

PURPOSE

Tidal wetlands, which fringe many of the shorelines of the Chesapeake Bay and its tidal tributaries, as well as the Coastal Bays, include marshes, shrub swamps, forested wetlands and submerged aquatic vegetation. Each type of wetland plays a vital role in the health of the Chesapeake and Coastal Bay estuaries. Tidal wetland functions and values include fish and wildlife habitat, water quality enhancement, natural shoreline protection, flood protection, recreational opportunities and aesthetics.

The goal of the tidal wetlands program is to manage tidal wetlands to provide reasonable use while furnishing essential resource protection. To accomplish this goal, the following activities are regulated by the Department:

- *Filling of open water and vegetated wetlands*
- *Construction of piers, bulkheads, revetments*
- *Dredging*
- *Marsh establishment*

AUTHORITY

STATE: Environment Article Title 16; COMAR 26.24

REQUIREMENTS

Applicants are required to demonstrate that proposed impacts to tidal wetlands are necessary and unavoidable. The application review process first eliminates, then reduces impacts through avoidance and minimization. An alternatives analysis may be required as part of this process. Mitigation may be required for authorized impacts. Wetland mitigation monitoring may be required and may extend beyond construction of an approved mitigation project.

APPLICATION PROCESS

- 1) Complete a "Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland" application.
- 2) Mail the original plus four copies of the application, plans, vicinity maps and any supporting documentation to:

Regulatory Services Coordination Office (RSC)
MDE, Water Management Administration
1800 Washington Blvd
Baltimore, Maryland 21230

- 3) Upon receipt of the application package, the RSC will determine what type of permit is necessary and will forward the application to the appropriate governmental agencies. The RSC receives applications for the Nontidal Wetlands and Waterways Division, Tidal Wetlands Division and Dam Safety Division of the Maryland Department of the Environment, as well as the U.S. Army Corps of Engineers. The Department conducts the review in cooperation with local, state and federal agencies.
- 4) Depending on the nature of the project, it may be advertised for comment and an opportunity for public informational hearing. The applicant may be required to notify adjacent property owners.
- 5) The Department may perform a site evaluation.

6) At the conclusion of the review process, the Department will make a decision on the application. Upon receipt of final construction plans, a permit or license is issued by the Department. In some instances, a license may be issued by the Maryland Board of Public Works (BPW) based on a recommendation from the Department.

WATER QUALITY CERTIFICATION

A State Water Quality Certification (WQC), which insures the protection of waters of the State, is necessary for activities requiring a U.S. Army Corps of Engineers Section 404 permit. When an activity is authorized by a permit or general wetlands license, the WQC is incorporated into that authorization. When a wetlands license is issued by the BPW or the activity is exempt from the requirement to obtain a wetlands license or permit, an individual WQC is issued by the Department.

STANDARD TURNAROUND TIME

Minor projects - 30 days

Major projects - 6 months

TERM OF PERMIT

Maximum of three years

FEE

A fee of up to \$500 may be assessed by the BPW, depending on the purpose of the project. For example, projects necessary to protect property from damage (e.g. shore erosion control) are typically \$50 and projects that will economically benefit a landowner are typically \$500. No fee is assessed for minor projects issued directly by the Department. Utility projects are subject to a separate fee schedule maintained by the BPW.

ADDITIONAL INFORMATION

Contact the Department at (410) 537-8075 for technical assistance and guidance on the preparation of a complete application. For permit application status call 1-800-876-0200.

OTHER APPROVALS

Chesapeake Bay Critical Area Protection Program;
Erosion/sediment control and stormwater management plan approvals (see section 3.19); and
Local building permits.

DEPARTMENT CONTACT

Richard J. Ayella
Tidal Wetlands Division
(410) 537-8075

3.17 NONTIDAL WETLANDS (NONTIDAL WETLANDS AND WATERWAYS PERMITS)

PURPOSE

Nontidal wetlands are commonly known as marshes, swamps, bogs, wet meadows and bottomland forests. They are inland, freshwater areas usually covered or saturated with water for long periods during the growing season. Nontidal wetlands help protect the Chesapeake and Coastal Bays and streams by filtering phosphorus, nitrogen, and other pollutants from upland runoff. They form natural flood retention areas able to store floodwater and slowly release them downstream, reducing flood damages. Nontidal wetland vegetation helps stabilize streambanks and reduce streambank erosion. They also provide habitat for fish and wildlife, including many rare, threatened and endangered species, and organic material for the food chain. Nontidal wetlands are also areas of scenic beauty and provide recreational opportunities.

The goal of the nontidal wetlands and waterways program is to manage nontidal wetlands and to provide essential resource protection by authorizing only necessary and unavoidable impacts. To accomplish this goal, the following activities are regulated by the Department:

- *Grading or filling*
- *Excavating or dredging*
- *Changing existing drainage patterns*
- *Disturbing the water level or water table*
- *Destroying or removing vegetation*

AUTHORITY

STATE: Environment Article Title 5, Subtitle 5-901 through 5-911; Annotated Code of Maryland; COMAR 26.23.

REQUIREMENTS

A permit is required for any activity that alters a nontidal wetland or its 25-foot buffer. The 25-foot buffer is expanded to 100 feet for wetlands of special state concern as defined in COMAR 26.23.06. Applicants are required to demonstrate that proposed impacts to nontidal wetlands are necessary and unavoidable. The application review process first eliminates, then reduces impacts through avoidance and minimization. An alternatives analysis may be required as part of this process. Mitigation is required for all authorized impacts. Wetland mitigation monitoring is required and will extend beyond construction of an approved mitigation project.

APPLICATION PROCESS

- 1) Complete a "Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland" application.
- 2) Mail the original plus four copies of the application, plans, vicinity maps and

any supporting documentation to:

Regulatory Services Coordination Office
MDE, Water Management Administration
1800 Washington Blvd
Baltimore, Maryland 21230

3) Upon receipt of the application package, the Regulatory Services Coordination Office (RSC) will determine what type of permit is necessary and will forward the application to the appropriate governmental agencies. The RSC receives applications for the Nontidal Wetlands and Waterways Division, Tidal Wetlands Division and the Dam Safety Division of the Maryland Department of the Environment, as well as the U.S. Army Corps of Engineers. The Department conducts the permit application review in cooperation with local, State and federal agencies.

4) Depending on the nature of the project, it may be advertised for comment and an opportunity for public informational hearing. The applicant may be required to notify adjacent property owners. If requested, a public informational hearing is conducted by the Department

5) The Department may perform a site evaluation.

6) At the conclusion of the review process, the Department will make a decision on the application. Upon receipt of final construction plans, a permit or letter of authorization may be issued by the Department.

WATER QUALITY CERTIFICATION

A State Water Quality Certification (WQC), which insures the protection of waters of the State, is necessary for activities requiring a U.S. Army Corps of Engineers Section 404 permit. When an activity is approved by a nontidal wetlands and waterways authorization, the WQC is incorporated into that authorization. When an activity is exempt from the requirement to obtain a nontidal wetlands and waterways authorization, an individual WQC is issued by the Department.

STANDARD TURNAROUND TIME

Minor projects - 3 months

Major projects - 6 months

TERM OF PERMIT

Maximum of five years and extended for an additional five years. Construction must be initiated within three years.

FEE

None

ADDITIONAL INFORMATION

Contact the Department at (410) 537-8075 for technical assistance and guidance on the preparation of a complete application. For permit application status call 1-800-876-0200.

OTHER APPROVALS

Chesapeake Bay Critical Area Protection Program;
Erosion/sediment control and stormwater management plan approvals (see section 3.19); and
Local building permits.

DEPARTMENT CONTACT

Richard J. Ayella
Tidal Wetlands Division
(410) 537-8075

3.18 WATERWAY AND 100-YEAR FLOODPLAIN (NONTIDAL WETLANDS AND WATERWAYS PERMIT)

PURPOSE

Waterway construction regulations assure that activities in a waterway or its floodplain do not create flooding on upstream or downstream property, maintain fish habitat and migration, and protect waterways from erosion. Authorization is required for construction or repair of the following projects in a waterway or a 100-year floodplain:

- Dams and reservoirs
- Bridges and culverts
- Excavation, filling or construction
- Channelization
- Changing the course, current or cross-section of any stream
- Temporary construction (e.g. utility lines)
- Any other similar project.

Ponds and dams require a separate review. Section 3.17 - Dam Safety.

AUTHORITY

STATE: Environment Article Title 5, Subtitle 5-501 through 5-514; COMAR 26.17.04.

REQUIREMENTS

A person is required to obtain a permit from the Department in order to change the course, current, or cross-section of a nontidal stream or body of water, including the 100-year floodplain. Activities are evaluated for impacts on the floodplain,

public safety and welfare, and natural resources. An engineering analysis is required for bridges, culverts, filling and other construction. In addition, environmental impacts associated with the proposed project, including impacts to nontidal wetlands, instream fisheries, wildlife, endangered species and their critical habitat, and alternatives to reduce or eliminate adverse impacts are required to be submitted with the application. Site location and design criteria are contained in the regulations.

APPLICATION PROCESS

- 1) Complete a "Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland" application.
- 2) Mail the original plus four copies of the application, plans, vicinity maps and any supporting documentation to:

Regulatory Services Coordination Office (RCS)
MDE, Water Management Administration
1800 Washington Blvd
Baltimore, Maryland 21230

- 3) The RSC will determine what type of permit is necessary and will forward the application to the appropriate governmental agencies. The RSC receives applications for the Nontidal Wetlands and Waterways, Tidal Wetlands and the Dam Safety Divisions of the Maryland Department of the Environment, as well as the U.S. Army Corps of Engineers. The Department conducts the permit application review in cooperation with local, State and federal agencies.
- 4) Depending on the nature of the project, it may be advertised for comment and an opportunity for public informational hearing. The applicant may be required to notify adjacent property owners.
- 5) The Department may perform a site evaluation.
- 6) At the conclusion of the review process, the Department will make a decision on the application. Upon receipt of final construction plans, a permit or letter of authorization may be issued by the Department.

WATER QUALITY CERTIFICATION

A State Water Quality Certification (WQC), which insures the protection of waters of the State, is necessary for activities requiring a U.S. Army Corps of Engineers Section 404 permit. When an activity is approved by a nontidal wetlands and waterways authorization, the WQC is incorporated into that authorization. When an activity is exempt from the requirement to obtain a nontidal wetlands and waterways authorization, an individual WQC is issued by the Department.

STANDARD TURNAROUND TIME

Minor projects - 3 months

Major projects - 6 months

TERM OF PERMIT

Permits may be issued for a maximum of five years and extended for an additional five years. Construction must be initiated within two years.

FEE

None

ADDITIONAL INFORMATION

Contact the Department at (410) 537-8094 for technical assistance and guidance on the preparation of a complete application. For permit application status call 1-800-876-0200.

OTHER APPROVALS

Chesapeake Bay Critical Area Protection Program;
Erosion/sediment control and stormwater management plan approvals (see section

3.19); and
Local building permits.

DEPARTMENT CONTACT

Terrance W. Clark
Nontidal Wetlands and Waterways Division
(410) 537-8094

3.19 EROSION/SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLAN APPROVALS

PURPOSE

*The purpose of Maryland's **erosion/sediment control** and **stormwater management** programs is to reduce stream channel erosion, pollution, siltation and local flooding caused by land use changes associated with urbanization.*

***Erosion/sediment control plan approval** is required, before construction, to prevent siltation due to releases of sediment (soil) from active construction sites. For example, before a housing development begins, the land needs to be cleared and graded. Erosion/sediment control plan implementation is needed to control the exposed soil from washing away into the storm drains, streams, rivers and the bay. Plan approval is required for any **construction activity** that disturbs 5,000 square feet or more of soil, or results in the excavation of 100 cubic yards or more of soil.*

***Stormwater management plan approval** is required to prevent stream bank erosion by controlling the rate of stormwater runoff from newly developed areas by using infiltration practices, shallow marshes, retention, and detention ponds. For example, prior to construction, land is typically covered with grass and trees, which help slowdown the rate of stormwater runoff and promotes infiltration. This*

*reduces flooding and soil from being washed away. After construction, stormwater runoff typically increases due to the loss of ground cover and the increase of impervious surfaces such as roofs, sidewalks, roads, and parking lots. So, stormwater management is needed to control runoff to the same rate prior to construction. This approval is required for any **new development** project that disturbs 5,000 square feet or more of land. It can be obtained at the same time as the erosion and sediment control approval.*

AUTHORITY

STATE: Environment Article, Title 4, Subtitle 1 for erosion and sediment control, and Subtitle 2 for stormwater management. These statutes are further defined in COMAR 26.09.01 and 26.09.02.

REQUIREMENTS

STATE AND FEDERAL PROJECTS: Erosion/sediment control plans are reviewed and approved by the Department. These plans must meet the 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control and adhere to the Erosion and Sediment Control Guidelines issued by the Department in January 1990, and Stormwater Management Guidelines For State and Federal Projects issued by the Department in July 1987.

PRIVATE and local GOVERNMENT PROJECTS: Erosion/sediment control plans and stormwater management plans are reviewed by the local authorities.

APPROVAL PROCESS

For erosion/sediment control and stormwater management plan approval for **state and federal projects**:

- 1) The applicant submits one set of erosion/sediment control and stormwater management plans and calculations to the Department.
- 2) The Department either approves the plans or responds with comments to be addressed by the applicant before approval can be granted.

- 3) Upon approval, the Department informs the applicant in writing.
- 4) The Department conducts site inspections. Plans must be approved and implemented prior to the start of construction.

For erosion/sediment control and stormwater management plan approval for **private and local government projects**:

- 1) Contact your local government for information on applications and review process for stormwater management plan approval.
- 2) Contact your local soil conservation district for application and review process for erosion/sediment control approval.

STANDARD TURNAROUND TIME

6 months for erosion/sediment control and stormwater management plans for state and federal facilities.

Contact your local government and soil conservation district for review time for private and local government projects.

TERM OF APPROVAL

Two years for erosion/sediment control approval

No expiration for stormwater management plan approval

FEE

None

ADDITIONAL INFORMATION

Copies of publications are available by calling (410) 537-3543. Local agencies may also require grading permits. You may also need the general permit for construction activity (see section 3.21).

DEPARTMENT CONTACT

Jim Tracy
Nonpoint Source Program
(410) 537-3563

3.20 RESPONSIBLE PERSON TRAINING & CERTIFICATION PROGRAM FOR EROSION/SEDIMENT CONTROL

PURPOSE

Contractors, developers and other construction industry personnel's knowledge about erosion and sediment control principles, implementation techniques, and specifications associated with various best management practices are an essential component of Maryland's statewide sediment control program. By recognizing the necessity of education to successfully implement the program, a certification for people in positions of responsibility for on-site sediment control implementation is conducted.

The purpose of the "Responsible Person" certification is to train field personnel on techniques and standards that assist with field implementation of erosion and sediment controls.

AUTHORITY

STATE: Environment Article 4-104, COMAR 26.09.01.06.

REQUIREMENTS

Anyone interested in learning about the best management practices associated with erosion and sediment control are encouraged to attend the one-day training seminar.

PRE-APPROVAL: As a condition of receiving plan approval, the developer/applicant must certify that a "responsible person" will be on-site during construction.

ADDITIONAL INFORMATION

The training course is given by the Department and some local jurisdictions throughout the State. For information on a training course near you, call (410) 537-3543. The training course may also be scheduled by special request for 30 people or more.

APPROVAL PROCESS

Responsible personnel training certification:

1. Prior registration to the class is not required.
2. Attend the training class.
3. Take an examination.
4. The certification card will be mailed to you within two weeks.

STANDARD TURNAROUND TIME

Certification of responsible personnel: 2 weeks

Responsible personnel training program approval: 4 weeks

TERM OF CERTIFICATION

The certificate of training is valid for a three-year period and is automatically renewed unless the Department notifies the certification holder that additional training is required.

The training program approval does not require renewal.

FEE

None

DEPARTMENT CONTACT

Rick Trickett
Nonpoint Source Program
(410) 537-3543

3.21 GENERAL PERMIT FOR CONSTRUCTION ACTIVITY

PURPOSE

The purpose of the federal National Pollutant Discharge Elimination system (NPDES) stormwater program is to control pollution generated from runoff associated with industrial activity, including construction, and municipal separate storm sewer systems.

This general permit is required for all construction activity in Maryland with a planned total disturbance of 5 acres or more. Conditions of the permit include compliance with approved erosion/sediment control and stormwater management plans, self-monitoring and record keeping.

AUTHORITY

FEDERAL: Clean Water Act Section 402 and the Code of Federal Regulations (40 CFR 122.26).

STATE: Environment Article, Title 9, Subtitle 3: COMAR 26.08.04.

REQUIREMENTS

To obtain coverage, applicants must meet all the conditions outlined in the general permit.

APPLICATION PROCESS

1) Obtain an Notice of Intent form (NOI) from your local plan review office or by calling the Department at (410) 537-3510. Complete the form and mail with payment to:

MDE
P.O. Box 1417
Baltimore, MD 21203-1417

The NOI can be submitted any time prior to the start of construction activity, as long as it reaches the Department at least 48 hours before construction begins. Applicants are encouraged to submit one NOI regardless of how many stages or phases of construction will occur over time.

2) The Department reviews the NOI to insure completion and scans site specific data into an NOI database.

3) The Department then sends the applicant a package which includes: a letter verifying coverage and issuing the project a unique NOI number; a copy of the general permit; and a receipt card which must be posted at the site.

STANDARD TURNAROUND TIME

2 days

TERM OF PERMIT

Coverage under the permit is issued for the duration of the project as long as plan approvals are renewed. The general permit itself must be reissued by the Department every five years.

FEE

For private and federal projects, the application fee is based on the amount of land disturbance:

<u>Size of Disturbance:</u>	<u>Fee:</u>
less than five acres	None
5 to less than 10 acres	\$100
10 to less than 15 acres	\$500
15 to less than 20 acres	\$1,500
20 acres or more	\$2,500

State and local government projects are exempt from the application fee.

OTHER APPROVALS

In addition to the general permit for construction activity, you may also need an erosion/sediment control plan approval (see section 3.19).

ADDITIONAL INFORMATION

Facilities covered under the general permit for stormwater associated with industrial activities (section 3.02) are not required to obtain this general permit for construction activity. The stormwater general permit has provisions for construction activity.

DEPARTMENT CONTACT

Lois McNamara
Compliance Program
(410) 537-3510

3.22 MUNICIPAL SEPARATE STORM SEWER PERMIT

PURPOSE

The purpose of the federal National Pollutant Discharge Elimination system (NPDES) stormwater program is to control pollution discharged from municipal separate storm sewer systems.

This permit is required for owners of municipal separate storm sewer systems serving large and medium municipalities. A large municipality is one that serves a population of 250,000 or more. A medium municipality is one that serves a population between 100,00 and 250,000. The following jurisdictions in Maryland are large municipalities: Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City. Carroll, Charles, Frederick, Harford and Howard Counties are considered medium municipalities.

AUTHORITY

FEDERAL: Clean Water Act (CWA) Section 402 and the Code of Federal Regulations (40 CFR 122.26).

STATE: COMAR 26.08.04.

REQUIREMENTS

The application requirements are the same for both large and medium municipalities, only the deadlines for the applications are different. The application process is a 2-year task where local governments collect data regarding legal authority, pollutant source identification and mapping, discharge monitoring, pollutant management program development, and financing NPDES programs.

APPLICATION PROCESS

1) Part 1 requires the local government to gather information regarding various existing programs to control storm drain system pollution, such as existing ordinances to control discharges into the local storm drain system, programs to control illegal system connections, and existing financing options. The application also includes extensive storm drain system mapping and monitoring a minimum of 500 outfalls under dry weather flow conditions.

2) Part 2 requires proposals for management programs that are required by the CWA to be developed, such as dumping and spill response, public education, and watershed studies. This part of local applications needs to include monitoring of storm water flows during three rain events at a minimum of five storm drain system outfalls.

3) After a completed application is submitted, there are opportunities for informational meetings and public hearings to allow input from interested parties.

STANDARD TURNAROUND TIME

12 months

TERM OF PERMIT

Maximum of five years

FEE

None

DEPARTMENT CONTACT

Brian S. Clevenger
Nonpoint Source Program
(410) 537-3543

3.23 DAM SAFETY PERMIT

PURPOSE

The Maryland Dam Safety Division issues waterway construction permits for new dams and ponds, and permits for alterations to existing impoundment structures. The major goal of this permit is to ensure that dams are built and operated properly to protect public safety.

AUTHORITY

STATE: Environment Article Title 08, Subtitle 05, COMAR 26.17.05.

REQUIREMENTS

Any person who proposes to construct, reconstruct, repair, or alter a dam, reservoir, or similar waterway obstruction must obtain a permit prior to beginning any work.

Certain small ponds are exempted from this permit and are reviewed and approved by the local soil conservation district only. Such ponds must meet the following criteria:

- drainage area to the pond is less than 640 acres
- embankment height is less than 20 feet
- structure classified in "low hazard" category

- the pond is not located in natural trout waters

The applicant is responsible for notifying all contiguous property owners and local authorities of the proposed project. The dam must be designed and inspected during construction by a professional engineer, licensed in Maryland, and experienced in dam design and construction.

Typically, permits are reviewed and issued in two stages, which can be combined at the applicant's request. The steps are as follows:

Step 1: The feasibility of the project is evaluated in this phase. If the project is acceptable, a Plan Development Permit is issued which authorizes the applicant to proceed with detailed design of the dam. During the review, environmental impacts are evaluated, and the hazard classification, dam height and reservoir size are established. The hazard classification, which defines the potential for downstream damage if the dam were to fail, establishes minimum design criteria that the dam and spillway must safely accommodate.

Step 2: The Waterway Construction Permit is issued after a very detailed review of the design construction documents and specifications which authorizes construction of the dam. The dam construction must be inspected by a professional engineer, preferably the design engineer.

APPLICATION PROCESS

- 1) Complete a "Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland" application.
- 2) Mail the original plus four copies of the application, plans, vicinity maps and any supporting documentation to:

Regulatory Services Coordination Office
MDE, Water Management Administration
1800 Washington Blvd
Baltimore, Maryland 21230

3) Upon receipt of the application package, the Regulatory Services Coordination Office (RSC) will determine what type of permit you need and will forward copies of the application to the appropriate permitting groups. The RSC receives applications for the following groups: Nontidal Wetlands and Waterways Division, Tidal Wetlands Division and Dam Safety Division. The RSC also sends copies of the application to the U.S. Army Corps of Engineers (if applicable), who will process the application jointly with the State.

4) The Department reviews the project and responds with comments to be addressed if necessary. Applications for new dams are reviewed to ensure that the project provides for the greatest feasible utilization of waters of the State, and adequately preserve public safety and the general public welfare.

5) Upon acceptance of the completed application, a Public Notice is prepared for the project. The notice of opportunity for public hearing is mailed to the interested persons list and is published for one day in a local newspaper by the Department. The applicant is invoiced for the cost of publishing the notice.

6) A public informational hearing is scheduled if requested or if deemed appropriate by the Department. Appropriate public comments are considered in the decision on the proposed application.

7) The permit is drafted with all appropriate conditions and mailed to the applicant for review and signature accepting the permit conditions. In addition, the applicant must record a Memorandum of Land Restrictions for Dam or Reservoir in the county land records.

8) A final permit is issued.

STANDARD TURNAROUND TIME

6 months

TERM OF PERMIT

Maximum of two years

FEE

None

DEPARTMENT CONTACT

Brad Iarossi
Dam Safety Division
(410) 537-3538

3.24 ENVIRONMENTAL SANITARIAN LICENSE

PURPOSE

The State Board of Environmental Sanitarians regulates professionals who routinely perform inspections and investigations related to enforcing Maryland's health and environmental laws and regulations. These sanitarians work in areas of:

- *Food and milk control*
- *Air quality*
- *Solid waste disposal*
- *Insect & rodent control*
- *Recreational sanitation*
- *Water supply and treatment*
- *Wastewater management and disposal*
- *Vector control*
- *Noise control*
- *Institutional and residential sanitation*

- *Product safety*

AUTHORITY

STATE: Environment Article, Title 11; COMAR 26.07.01 through 26.07.04.

REQUIREMENTS

PRE-APPROVAL:

1) Experience and Education: 24 months of experience in a sanitarian-in-training program approved by the Board with a baccalaureate degree that includes at least 30 semester hours credit in the physical, biological or environmental sciences, 2 laboratory courses in these sciences and a course in mathematics. Less experience is required with a masters degree in public health or a baccalaureate degree in environmental health or environmental science, or with 60 or more science credits in the baccalaureate degree.

2) To qualify for a license, an applicant must pass the Board's comprehensive examination, or an equivalent examination given by a sanitarian licensing board in another state.

3) To apply:

- a. Submit the application form and application fee to the Board;
- b. Send transcripts of college course work directly from the educational institution to the Board.

POST-APPROVAL: To renew the license, submit to the Board, an application, a renewal fee and verification of completion of at least 20 clock hours of Board-approved training during the previous two year period.

APPLICATION PROCESS

1) The Board normally meets on the first wednesday of each month and reviews all

completed applications.

2) Written notification of the Board's decision and additional instructions for completing the license requirements are sent to each applicant.

APPLICATIONS

[Application for a Sanitarian License](#) (Form MDE/WMA/BES/INT)

[Application for Training Program Approval](#) (Form MDE/WMA/BES/TRN)

STANDARD TURNAROUND TIME

New licenses - 45 days

Renewal licenses - 30 days

TERM OF LICENSE

Must renew every two years

FEE

Application fee: \$50

Examination fee: \$72

License fee: \$50

Renewal fee: \$100 every two years

ADDITIONAL INFORMATION

Exams are generally held in April, August, and December each year.

DEPARTMENT CONTACT

Lee Haskins
Office of Operational Services and Administration
(410) 537-3597

3.25 WATERWORKS AND WASTE SYSTEM OPERATOR CERTIFICATION

PURPOSE

This certification helps to protect public health and the environment by setting minimum education, experience and examination standards that applicants must satisfy.

This certification is required for operators and/or superintendents of water treatment plants, water distribution systems, wastewater treatment plants, wastewater collection systems, certain pretreatment facilities that discharge to sanitary sewers, or industrial wastewater facilities.

AUTHORITY

STATE: Environment Article, Title 12; COMAR 26.06.01.

REQUIREMENTS

PRE-APPROVAL: A minimum of a high school education and six months to three years of related work experience (varies according to the specific work certification) and passing the appropriate written examination.

POST-APPROVAL: The triennial renewal requires completion of a specified number of hours of Board-approved training (see COMAR 26.06.01.13). There are

additional education, experience, and examination requirements for superintendent certification. The Department should be contacted for the details.

APPLICATION PROCESS

- 1) Submit completed application form for a temporary certificate, and the application fee, to the Board of Waterworks and Waste Systems Operators.
- 2) Pass necessary certification examination(s).
- 3) Complete experience requirements.
- 4) Submit a completed application for full certification and the application fee to the Board.

APPLICATIONS

[Application for a Temporary Certificate](#) (Form MDE/WMA/BWW/TMP)

[Application for Operator Examination](#) (Form MDE/WMA/BWW/EXM)

[Application for Certification: Grandparented Water Treatment Plant Operator](#)
(Form MDE/WMA/BWW/OPGP 09/01) *Apply by 2/5/2003*

[Application for Operator Certificate](#) (Form MDE/WMA/BWW/OPR)

[Application for Superintendent Certificate](#) (Form MDE/WMA/BWW/SUP)

[Application for Reciprocity Certificate](#) (Form MDE/WMA/BWW/REC)

[Application for Training Approval](#) (Form MDE/WMA/BWW/TRN)

STANDARD TURNAROUND TIME

New certificates - 45 days

Renewal certificates - 30 days

TERM OF CERTIFICATION

Maximum of three years

FEE

\$75 examination.

\$75 certificate to apply for a temporary, operator, or superintendent certificate.

\$75 renewal for the first certificate and \$75 for each additional certification category, with a cap of \$150 during any three-year renewal period.

ADDITIONAL INFORMATION

Exams are given monthly. Examination applications must be submitted at least three weeks before the date of the examination.

DEPARTMENT CONTACT

Lee Haskins
Office of Operational Services and Administration
(410) 537-3167

3.26 WELL DRILLER LICENSE

PURPOSE

As part of Maryland's strategy to protect its groundwater resources, the State

Board of Well Drillers was created in 1968. The Board of Well Drillers is responsible for ensuring that the groundwater used for drinking water supplies is not contaminated due to improper well construction activities and for protecting the public from unqualified or incompetent practitioners. The Board sets standards and administers qualifying examinations to license any person who drills water supply and geotechnical wells, or installs water pumps or water conditioning equipment. The practice of well drilling includes making, altering, repairing or sealing a well; and installing, altering, repairing or disconnecting well system equipment.

AUTHORITY

STATE: Environment Article, Title 13; COMAR 26.05.01 through 26.05.04.

REQUIREMENTS

PRE-APPROVAL: A person who satisfies the State Board of Well Drillers minimum experience and qualifications, and passes the Board's examination will be licensed.

POST-APPROVAL: All licenses expire on June 1 of each odd-numbered year. They may be renewed for a two-year term upon payment of the renewal fee, proof of satisfactory completion of 20 hours of Board-approved training related to the practice, and in some cases, submission of valid bonding and insurance documents.

APPLICATION PROCESS

- 1) Complete the Board's "Application for License" form.
- 2) Include a detailed account of actual years of experience installing wells, or well system equipment, or both, along with the name and phone number of previous employers in the groundwater industry.
- 3) Include a \$50 non-refundable application fee payable to:

State Board of Well Drillers.

APPLICATIONS

[Application for Initial License](#) (Form MDE/WMA/BWD/INT)

[Application for Reactivation](#) (Form MDE/WMA/BWD/REA)

[Application for Reinstatement](#) (Form MDE/WMA/BWD/RES)

STANDARD TURNAROUND TIME

30 days

TERM OF LICENSE

Maximum of two years

FEE

Application fee: \$50

Initial license fee: \$50-\$150 depending on the class and category

Renewal fee: \$100-\$200 every two years depending on the class and category

For a listing of fees for each class and category see COMAR 26.05.02.10.

ADDITIONAL INFORMATION

The following permits are required from the Department before a licensee constructs or modifies a well:

Water appropriation and use permit (see section 3.07); and
Well construction permit (see section 3.14).

DEPARTMENT CONTACT

Willie Everett
State Board of Well Drillers
(410) 537-3644